

Annual Report and Accounts

For the year ended 31 March 2008

Together with the Report of the Comptroller and Auditor General



Police Ombudsman for Northern Ireland

ANNUAL REPORT AND ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2008 Together with the Report of the Comptroller and Auditor General

Laid before the Houses of Parliament by
the Secretary of State for Northern Ireland
in accordance with paragraph 61(3) and (6) and
schedule 3 paragraph 12(1) and (2) of the Police
(Northern Ireland) Act 1998

9 July 2008

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ROOM FOR IMPROVEMENT

Nonetheless the capacity of the Police Ombudsman's Office is stretched in responding to the 3,000 complaints during the course of the past year, in addition to the Historical Investigations that I will detail later in this report. The Complaints Team, in handling these still significant numbers of complaints and the Core Investigations Team in initiating over 1,300 investigations, are working at their limits. On an annual basis, we are succeeding in closing and bringing to completion over 3,000 matters, but I have had to acknowledge, particularly in District Policing Partnerships and with police officers, that the time taken to complete investigations is still much too long, and in some cases the quality of investigation has suffered. Our Objectives and Targets for the forthcoming year will reflect an increased focus on auditing and analysing the processing of cases to ensure that bureaucracy is kept to the minimum and timeliness is improved.

IMPORTANT INVESTIGATIONS CLOSED

Over the past year I note just some of the key investigations concluded and closed:

- In April 2007, the Police Ombudsman made public the main findings from her investigation into circumstances surrounding the death of a 15 year old. The teenager died from injuries he sustained when he was hit by a baton round during rioting in April 1981. The investigation found no new evidence to suggest that the police officer who fired the baton was guilty of murder, but criticised the use of the weapon in the circumstances and also the poor police management of the investigation of what had happened.
- Also in April 2007 the Police Ombudsman released the main findings from an investigation into allegations that a police Landrover which knocked down and killed a man in West Belfast while answering an emergency call did not have its siren on. The man was knocked down in the early hours of Saturday morning, 4 June 2005, and died at the scene. The Police Ombudsman concluded, after listening to radio tapes, that
- In May 2007, the Police Ombudsman said she found no evidence of police misconduct in relation to an incident in which a 31-year-old man sustained serious head injuries when he fell as police cleared a crowd from an illegal rave in Londonderry/Derry. The young man's family had made a complaint that he may have been pushed off the wall by a police officer but Mrs O'Loan said the evidence strongly indicated that the man had fallen, rather than having been pushed.
- In July 2007, the Police Ombudsman praised a police officer for his quick thinking in discharging his firearm during an incident on 6 March the previous year when police officers found themselves trapped in a car which was being attacked by a hostile crowd. The Police Ombudsman accepted that the officer had been confronted by a very real and potentially life threatening situation and believed his quick thinking may well have prevented serious or even fatal injuries to his colleagues.
- Also in July 2007, the Police Ombudsman concluded that police had correctly handled their investigation into the death of an 18-year-old soldier, who shot himself at Drumadd Barracks in Armagh in 2001. The Office had received a complaint that police had failed to mount a proper investigation into the death.
- In September 2007, the Police Ombudsman issued her findings of her investigation into complaints about matters related to the death of a solicitor. Mrs O'Loan concluded that death threats made against the solicitor were not handled properly by the police or by the Northern Ireland Office.
- In October 2007, the Police Ombudsman published her findings from an investigation into the fatal shooting by police of a 21-year-old man on 29 April 2003. The Police Ombudsman made no criticisms of the officer who fired the fatal shots but did make adverse comments on the police operation on the day of the incident and raised concerns that some of the intelligence on which the operation was based was deleted from a computer during her investigation.

INESCAPABLE PRESSURE ON RESOURCES

With regard to the staffing resources of the Office (£5.9million), disregarding central support costs, infrastructure, accommodation, and senior management costs, about 25% of all staffing costs are dedicated to work of a historical nature. The level of resources, the pressure on the caseloads of normal day-to-day complaint investigation as against historical investigation, and the necessary use of current experienced seconded police officers, all represent pressures, which currently cannot be avoided. The work of dealing with the past and the headlines that these cases generate has the potential to undermine and reduce the perceived importance and relevance of today's police complaints system. There is a real danger that we will not be able to progress major investigations unless resources are diverted from the work arising from current complaints. This in turn has the potential to undermine both the police complaints system and public confidence in the system and in policing.

DISTRICT COMMANDS – A CHANGING MAP

In the initial months I have been able to meet with most of the new District Commanders and their key staff and I have been impressed by the vibrancy of the new police districts and their leadership. There is understanding by police staff in the independence and impartiality of the work of the Office and how it contributes to the police accountability in dealing with members of the public who have reason to complain or be dissatisfied with their service. I have acknowledged with the District Commanders the need for our investigators to maintain a positive working environment with police officers as well as members of the public. I am urging my staff to make sure that police officers are kept up to date with the progress of investigations particularly those that of necessity can take a long time to complete. Our performance information in this report shows that our timeliness in completing investigations is not as good as it should be and I have given commitments to address these issues.

Secondly, now that the formal reporting mechanisms are established to ensure that all complaints are progressed with a high level of independence, there is now a strong desire by District Commanders to address service dissatisfaction issues with members of the public when they arise, rather than face delays by reporting to the Police Ombudsman, then waiting for processing. This desire is to be commended and is a positive sign for service improvement to the public. While the law requires that the police follow such a process, I am sure that we can work together for improvement in these key areas.

SUPPORTING DISTRICT POLICING PARTNERSHIPS

The development of District Policing Partnerships within the constructs of the Policing Board is a far-reaching and progressive initiative in Northern Ireland. We lead the world in terms of engaging the public at local level in the ownership and support of policing in the community, addressing crime issues but doing it within the local context and social requirements. The work of the Office in providing relevant statistical information on trends and patterns of complaints has helped to add value to the work of District Policing Partnerships and although only one small element in local accountability, I have assured Partnerships of our continuing determination to work with and support local District Commanders and Partnership Managers in consolidating a dynamic relationship at this level. Much of the information in our performance review is material which can be made available to District Policing Partnerships on a regular basis and analysed in terms of the particular police district or council jurisdiction.

REVIEW OF ORGANISATIONAL EFFECTIVENESS

Because of the pressure and strain of workload over the past few years the Chief Executive had commissioned an organisation wide review of operational effectiveness and with the help of an external trainer all staff had the opportunity of discussing areas for development in terms of structure, systems, staffing, management and leadership. A very helpful report has now been made available and I have committed myself to a three-year programme of business improvement. I have proposed and got the agreement of my directors and managers to engage fully in the European Foundation for Quality Management (EFQM) accreditation process. This process will build on the current achievements of the Office in its compliance with Investors in People and I believe will add value and strength to the working of the Office.

SUMMARY

The first five months of my tenure in this Office have been full and demanding. It was a privilege to take over this important responsibility and I have had the opportunity to take stock and listen to those who want this Office to continue to contribute to the normalisation of policing accountability. In January 2008 I was pleased to be joined by Jim Coupland who took over the leadership of the Investigations Directorate. Jim is a very experienced detective and senior commander from the Lothian and Borders police service. Together, with Sam Pollock as the Chief Executive, we aim to help make our structures of accountability for the police service in Northern Ireland the envy of the world, in support of a police service which has the confidence of all parts of our community. I believe I have taken over an effective organisation but see plenty of scope and potential for building and improving on that effectiveness. The most pressing issues relate to the weight and complexity of work which is rooted in the investigation of events in the past. As I have stated previously, it is undermining the resources that are required to deal with current complaints. In commending this report to you I invite you to continue to support the Office in its important duties ensuring that members of the public and police officers know that we exist in order to improve the conduct and service of policing in Northern Ireland.

Al Hutchinson

Police Ombudsman for Northern Ireland

GOALS

The overall achievement in relation to goals in the last year has been satisfactory. The volume and complexity of workloads has continued to create pressures which were difficult to resource and contain. This has resulted in some targets on timeliness not being achieved.

Our first goal in the course of the last twelve months was to adapt the processes of the Office to ensure that the independent impartial complaints system is capable of responding appropriately in the changing political, administrative and social environment. In this respect we have engaged fully with the Consultative Group on the Past and also the Northern Ireland Affairs Committee (Westminster) as they have conducted an inquiry into Policing and Criminal Justice in Northern Ireland.

Our second goal was to maintain and improve the confidence of members of the public and of police officers in the independence, impartiality and efficiency of the police complaints system. Police officers who have been subject to investigation are now routinely surveyed following the closure of investigations carried out by the Office. The results of this survey work continues to provide encouraging information with regards to how the Office is viewed in terms of its fairness, impartiality, independence and professionalism. The confidence of the public remains exceptionally high.

STATUTORY DUTIES AND BACKGROUND

The Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998, is accountable to Parliament through the Secretary of State for Northern Ireland and is required to have regard to any guidance given by the Secretary of State. The Office was established on 6 November 2000 by virtue of Statutory Rule 2000 No 399, Police (Northern Ireland) Act 1998 (Commencement) Order (Northern Ireland) 2000. The Office is a Non Departmental Public Body (NDPB). It is not governed by a Board, but is headed by the Police Ombudsman as a Corporation Sole who is appointed by Royal Warrant and serves for a period of seven years. The Office of the Police Ombudsman is constituted and operated independently of the Northern Ireland Office, the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland.

PRINCIPAL ACTIVITIES

The Office of the Police Ombudsman for Northern Ireland provides an independent impartial police complaints system for the people and the police of Northern Ireland. It investigates complaints against the Police Service of Northern Ireland, the Belfast Harbour Police, the Larne Harbour Police, the Belfast International Airport Police and Ministry of Defence Police in Northern Ireland and the Serious Organised Crime Agency when its staff operates in this jurisdiction. There are continuing discussions with the Office by officials in Borders and Immigration Agency regarding the investigation of criminal allegations against their staff while exercising the powers of constable here in Northern Ireland. The Police Ombudsman investigates complaints about the conduct of police officers and where appropriate makes recommendations in respect of criminal, disciplinary and misconduct matters. The Police Ombudsman also investigates matters of public interest, and all grave or exceptional matters referred to him and reports as appropriate. In addition the Police Ombudsman publishes reports and makes policy recommendations aimed at improving policing within Northern Ireland. He also provides statistical reports for management purposes to the Police Service of Northern Ireland, the Northern Ireland Policing Board and the Secretary of State.

OBJECTIVE 3

To contribute to an improvement in policing by reporting on trends and patterns in police complaints, on investigations and associated policy and practice research

- Complainant satisfaction survey published in July 2007
- Public Attitudes Survey published in August 2007
- Police Officer Satisfaction Survey published in August 2007
- Statistical and Research review 2000-2007 published in October 2007
- Equality monitoring of complaints completed in March 2008
- Monthly and quarterly reports are issued on time
- Report on the PSNI response to recommendations arising from reports on matters referred under section 55 of the Police (Northern Ireland) Act 1998 completed in March 2008
- Reports and presentations to Policing Board and Committee on trends and patterns in complaints
- Presentations to all police recruits and other PSNI training on the working of the Police Complaints System
- Presentations to delegations from other jurisdictions at request of Visits Section and British Council
- Corporate Plan published in May 2007
- Annual report provided to the Secretary of State by 30 June 2007 in line with legislative requirement.

Overview

The Policy and Practice Directorate produces many reports and publications adding value to the functions of the Office.

Further, the production of the Corporate Business Plan in May and the Annual Report and Accounts of the Office complete with auditors' certification for the Secretary of State by 30 June is an excellent achievement.

OBJECTIVE 4

To achieve efficient and effective management of resources in all functions of the Office

- Expenditure has been maintained within Grant in Aid
- Levels of staff absence in the Office remain low and decreased to 4.2% during the year
- The level of investigation officers with accredited investigator status has been maintained at over 70%
- 8 managers have participated on an accredited management programme
- 64% of training identified in PDP's was delivered in the year
- The profile of staff at 1 January 2008 indicates that 51% are male and 49% are female
- Annual Fair Employment Monitoring return was completed by May 2007
- Equality scheme progress report was completed by August 2007
- The profile of staff at 1 January 2008 indicates that 46% are Protestant, 44% are Roman Catholic and 10% are non-determined
- 97% of invoices not in dispute paid within 30 days in line with the Better Payment Practice Code
- There have been further delays in the implementation of the new Case Handling system within the Office. A new target date of October 2008 has been set for implementation of the system.

Overview

The Office has managed its operations within its overall resources. The Office continued to develop its staffing resource through the delivery of key accredited programmes and other competency related training. Staff absence remains low relative to other parts of Public Service. The implementation of the new Case Handling System was not achieved in this year and a revised date has been set for October 2008.

FINANCIAL POSITION AS AT 31 MARCH 2008

The financial position at the end of the financial year is set out in the Operating Cost Statement and the Balance Sheet on pages 60 and 61 respectively. The Office incurred a net operating cost for the year of £8,533,972 (£8,432,917 in 2006/07). The Office draws cash resource from the NIO on the basis of need to pay and not as costs are accrued. As a consequence, at the end of the financial year the Office had net current liabilities of £181,327 (£366,963 in 2006/07). The Office continues to be funded by the NIO and the financial statements have been prepared on a going concern basis.

FUTURE DEVELOPMENTS

It is anticipated that there will be a significant change in the context within which the police complaints system and the policing service will operate in Northern Ireland. In particular the devolution of policing and justice in Northern Ireland will change the environment within which the Office will work. The anticipated outcomes of Government enquiries on matters of the past, notably the Northern Ireland Affairs Committee report and the Consultative Group on the Past co-chaired by Lord Robin Eames and Denis Bradley will also require the Office to respond to any changes recommended.

POST BALANCE SHEET EVENTS

There have been no significant events since the end of the financial year which would affect the results for the year or assets and liabilities at the year end.

EXECUTIVE MANAGEMENT

The Police Ombudsman for Northern Ireland is supported by me as Chief Executive and a Senior Management Team. The executive management structure at 31 March 2008 was as follows:

| | |
|-------------------------------------|-----------------------------------|
| Mr A Hutchinson ¹ | Police Ombudsman |
| Mr S Pollock | Chief Executive |
| Mr J Coupland ² | Senior Director of Investigations |
| Mr J Larkin ³ | Director of Investigations |
| Mrs O Laird | Director of Corporate Services |
| Mr G Mullan | Director of Policy and Practice |
| Mr T Gracey | Director of Information |
| Mr J Kitson ⁴ | Director of Legal Services |

¹ The Police Ombudsman took up Office on 6 November 2007, following the completion of the tenure in Office by the former Police Ombudsman, Mrs Nuala O'Loan on 5 November 2007.

² Mr J Coupland took up post as Senior Director of Investigations on 7 January 2008.

³ Following the departure of the former Senior Director of Investigations, Mr J Larkin acted in role as Senior Director of Investigations from September 2007 until the appointment of Mr J Coupland in January 2008.

⁴ Mr J Kitson was appointed as Director of Legal services on 1 June 2007.

REMUNERATION AND PENSIONS

Full details of the executive management remuneration and pension interests for the year ended 31 March 2008 are contained in the Remuneration Report on pages 50 to 54. Pensions are provided to staff through the Principal Civil Service Pension Scheme (PCSPS). Further details in respect of pensions can be found in the Remuneration Report on pages 50 to 54 and in Note 3.4 to the Accounts.

REGISTER OF INTERESTS

A register of interests is maintained within the Office of the Police Ombudsman for all members of the Senior Management team. No interests were identified which may cause a conflict of interests with management responsibilities.

HEALTH AND SAFETY

The Office of the Police Ombudsman is committed to providing for staff and visitors an environment that is as far as possible safe and free from risk to health. A standing sub-committee on health and safety operates under the Joint Negotiating Consultative Committee.

PAYMENT OF SUPPLIERS

In line with the Better Payment Practice Code it is the policy of the Office of the Police Ombudsman to pay all invoices not in dispute within 30 days of receipt or if stated otherwise in accordance with agreed contractual terms. The Office aims to pay 100% of invoices, including disputed invoices, once the dispute has been settled, on time within these terms. During the year ended 31 March 2008 the Office of the Police Ombudsman paid 96.6% of suppliers within 30 days, (98% for the year ended 31 March 2007).

FIXED ASSETS

Fixed assets are valued at cost, adjusted as appropriate to reflect current replacement costs. The leasehold interest in respect of leasehold improvements carried out to New Cathedral Buildings has been capitalised under land and buildings and valued on the basis of existing use value at £850,000 at 31 March 2008 (£950,000 at 31 March 2007). The open market value of the leasehold interest in New Cathedral Buildings has been valued at £nil at 31 March 2008 (£nil at 31 March 2007). Details of the movement of fixed assets are set out in Note 6 to the Accounts.

AUDITORS

The financial statements are audited by the Comptroller and Auditor General, (C & AG). His certificate and report are reproduced on pages 58 and 59.

The audit fee for the work performed by his staff during the reporting period and which relates solely to the audit of these financial statements was £14,000 (£13,750 for the year ended 31 March 2007).

The C & AG may also undertake other work, both statutory and non statutory that is not related to the audit of the Office of the Police Ombudsman's Accounts. No such activity was undertaken by the C & AG during the year.

DISCLOSURE OF AUDIT INFORMATION

As Accounting Officer I am required to ensure that all relevant audit information is provided to the auditors. I have taken all reasonable steps to make myself aware of any relevant audit information and have ensured that all such information is available to the auditors. I would also confirm that there is no relevant audit information about which I am aware that the auditors have not been informed about.

DATA HANDLING

I am required to report personal data related incidents which occurred during the year ended 31 March 2008 and those which occurred in previous years. Personal data includes any information that links one or more identifiable living person with information about them whose release would put them at significant risk of harm or distress or any source of information about 1000 or more identifiable individuals, other than information sourced from the public domain. There were no such personal data related incidents during the year ended 31 March 2008 or for prior years. Information risk is managed in the Office within the context of the risk management framework to which I refer in my Statement on Internal Control.

Samuel Pollock, OBE,
BSc (Hons), Dip. App. Soc. Studies,
Chief Executive

9 June 2008

CASE STUDY: POLICE OFFICERS CONFRONTED BY BURGLARS

During the year, the Police Ombudsman found that police officers were justified in firing shots as they tried to arrest burglars, one of whom they believed to have a gun. The incident happened when police, who had mounted an operation at a business premises, noticed three men acting suspiciously. The men ran off, with officers in pursuit. One police officer reported that as the men ran away, one of them turned and looked back towards him. Fearing that the man might be armed, the officer shouted “armed police” before discharging two shots into the air. The men continued to run away. Another police officer, who was also giving chase, reported getting to within a few metres of one of the men. He said the man was carrying a dark object in his right hand and kept turning around as he ran, looking towards the officers in pursuit. He said he fired a single shot into the air. The Police Ombudsman concluded that the use of live fire by the two officers had been “lawful and justified.” “Both officers were met with a real and potentially life-threatening situation and dealt with it in an appropriate manner”.

ADDITIONAL MISCELLANEOUS WORK

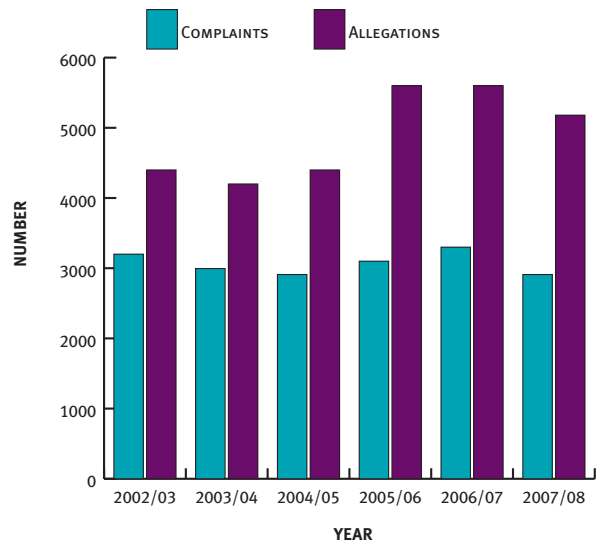
In addition to dealing with complaints against police, the Office of the Police Ombudsman receives a significant number of enquiries from members of the public seeking information or clarification of related issues. These are handled by the complaints team, which also logs and checks correspondence in relation to civil claims, Compensation Agency queries and requests for information from the Public Prosecution Service (PPS).

| Other work or matters handled by Office | Number |
|---|------------|
| Miscellaneous Complaints | 24 |
| Miscellaneous Telephone Calls | 435 |
| Referral of civil claim files | 167 |
| Compensation Agency queries | 21 |
| PPS requests (no complaint) | 74 |
| Total | 721 |

MAJOR DECREASE IN COMPLAINTS AND ASSOCIATED ALLEGATIONS RECEIVED

In the last year the Office received 2,970 complaints involving 5,220 allegations. This represents a 10% decrease in complaints as compared to the previous year and a 7% decrease in associated allegations (a complaint may involve one or more allegations).

Number of Complaints and Allegations, 2002/03 - 2007/08



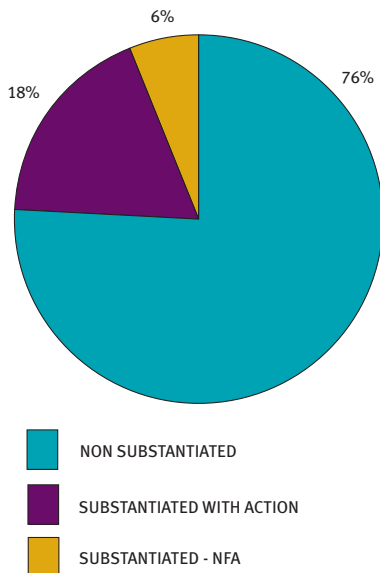
Since the Office opened there has been a drop in the level of complaints received by 17%. There has been a 14% drop in the last four years as compared with those received in years 1996/97 to 1998/2000 prior to the establishment of the Office.

CLOSURE AND OUTCOME OF CASES INVESTIGATED

A total of 851 investigations were completed and closed during this year.

- 76% of complaints formally investigated were closed with allegations not being substantiated due to insufficient evidence
- 18% of complaints were closed with specific action recommended
- 6% of complaints investigated were substantiated but with no specific action required.

Cases closed following investigation 2007/08



CASES OF COMPLAINT REFERRED TO THE PUBLIC PROSECUTION SERVICE 2007/08

During the year 241 cases were referred to the Public Prosecution Service for direction as to whether or not criminal charges should be preferred or as an interim file.

| | |
|---|------------|
| Interim files submitted | 9 |
| Cases submitted with no recommendations for prosecution | 221 |
| Cases submitted with recommendations for prosecution | 11 |
| Total cases submitted | 241 |

RECOMMENDATIONS FOR PROSECUTION SUBMITTED TO PUBLIC PROSECUTION SERVICE

There were 11 cases submitted to the PPS recommending criminal charges. These involved 12 police officers and 19 charges.

| | |
|--|----|
| Number of cases submitted with recommendations | 11 |
| Number of officers subject to recommendations | 12 |
| Number of charges recommended | 19 |

| Nature of Allegations and Charges | Number of Charges |
|--|-------------------|
| Common assault | 5 |
| Assault occasioning actual bodily harm | 3 |
| Possession (of firearm) with intent to endanger life | 2 |
| Attempted murder | 1 |
| Attempted wounding or causing GBH with intent | 1 |
| Discharge of a firearm in a public place | 1 |
| Perjury | 1 |
| Criminal damage | 1 |
| Disorderly behaviour | 1 |
| Misconduct in a public office | 1 |
| Making a false statement | 1 |
| Attempting to pervert the course of justice | 1 |
| Total | 19 |

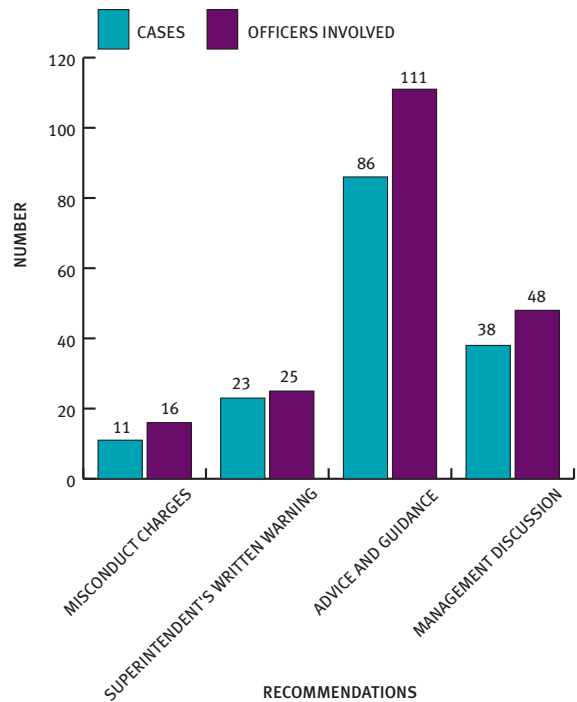
RECOMMENDATIONS MADE TO CHIEF CONSTABLE, 2007/08

| CHARGE | No. of Cases | No. of Officers involved |
|----------------------------------|--------------|--------------------------|
| Misconduct Charges | 11 | 16 |
| Superintendent's Written Warning | 23 | 25 |
| Advice and Guidance | 86 | 111 |
| Management Discussion | 38 | 48 |
| Total | 158 | 200 |

CASE STUDY: POLICE OFFICER RECEIVES ADVICE AND GUIDANCE FOR ACCIDENTAL WEAPON DISCHARGE

A police officer was disciplined after accidentally discharging a single shot from his police weapon as he fell while chasing suspects. The police officer, who was carrying his gun slung across the front of his chest, said that when he lost his footing and fell forward onto the road, he instinctively grabbed hold of his gun. A single shot was discharged, striking the road about 10 feet in front of him. The officer later explained that, as he fell, his thumb must have moved the gun's mode selection switch from safety to single shot mode, while his index finger slipped from the trigger guard onto the trigger itself. Police Ombudsman investigators received advice from a nationally qualified instructor in the MP5 weapon. The instructor stated that the discharge was likely to have been unintentional as it would have been a natural reaction to grasp the weapon during a fall. The Police Ombudsman concluded that the officer was justified in readying his weapon to respond to any threat posed by those he was chasing. However, he should have ensured that the weapon was made safe once the immediate threat was over. In particular, he should not have allowed himself to become involved in a 'hot' pursuit with a loaded weapon in a police car. Following a recommendation from the Police Ombudsman, the officer received advice and guidance for failing to ensure his weapon was properly made safe.

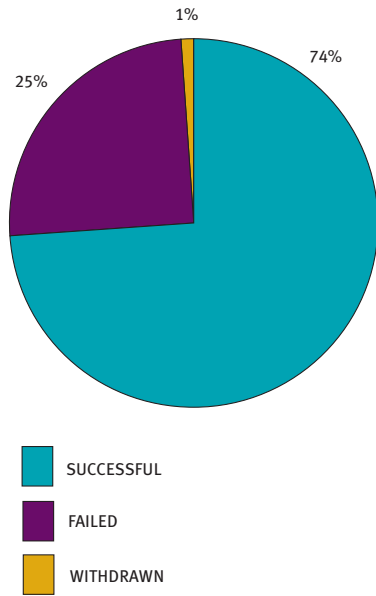
Recommendations made to Chief Constable 2007/08



CASE STUDY: POLICE OFFICER REQUIRED TO RESIGN

The complaint in this case centred on the failure by a police officer to properly investigate and included an allegation that the officer concerned had attempted to pervert the course of justice. Following investigation, a file was prepared and forwarded to the PPS which directed no prosecution in connection with the matter. The Police Ombudsman then reviewed the related documentation to ascertain whether or not there was any misconduct on the part of the officer concerned. On examination of the evidence available, the Police Ombudsman identified a number of serious investigation failings and recommended that the officer concerned should be subject to a misconduct hearing in relation to his failure of duty. Disciplinary proceedings were subsequently taken and at the hearing the charges against him were proven and he was required to resign.

Outcome of Informal Resolution closed by the police, 2007/08

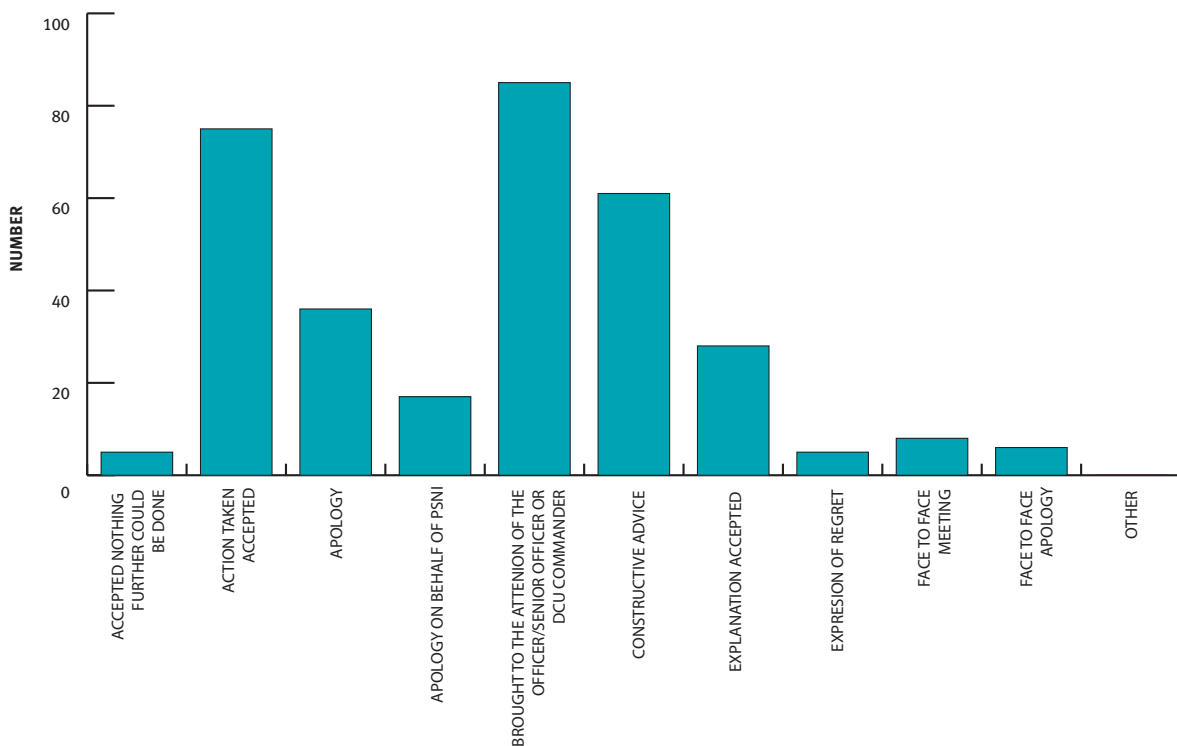


OUTCOME OF INFORMAL RESOLUTION REFERRALS

Three hundred and thirty-two complaints were successfully informally resolved during the last year. This represented 74% of complainants who agreed to participate in the process. In 110 cases informal resolution failed and these matters were referred for investigation. Six complaints were withdrawn during informal resolution.

Forty nine percent of complaints were resolved when, either the action proposed by the PSNI appointed member was accepted or the complainant agreed that it was sufficient to raise the issue with the officer concerned or a more senior officer. In less than five per cent of cases did a meeting between the officer concerned and the complainant take place.

Outcome of Informal Resolution 2007/08



CASE STUDY: POLICE OMBUDSMAN URGES STUDY AFTER “DANGEROUS AND UNJUSTIFIED” SHOTS

The Police Ombudsman recommended that the police should conduct a study into the use of personal protection weapons (PPWs) by its officers, after two separate investigations concluded that officers and members of the public had been placed in danger when shots were fired at moving vehicles. The investigations considered two incidents during which single shots were discharged as officers attempted to stop moving vehicles. No one was injured in either incident. However, it was found that in both cases the use of live gunfire had created “serious and unjustified safety risks”... “Live fire is potentially lethal, and should be used in only the most exceptional circumstances, when there is a serious and immediate threat to life...” I’m concerned that during these two incidents shots were fired when they were not absolutely necessary, and when nobody’s life was at immediate risk. “In the most dangerous situations, deciding whether to pull the trigger is a split-second and potentially life and death decision. We must ensure that officers are equipped with the knowledge and information they need to help them make that most difficult of decisions while under extreme stress,” said Mr Hutchinson. The two officers who discharged the shots were not disciplined but given advice.

REPORTING ON TRENDS AND PATTERNS IN COMPLAINTS AGAINST POLICE

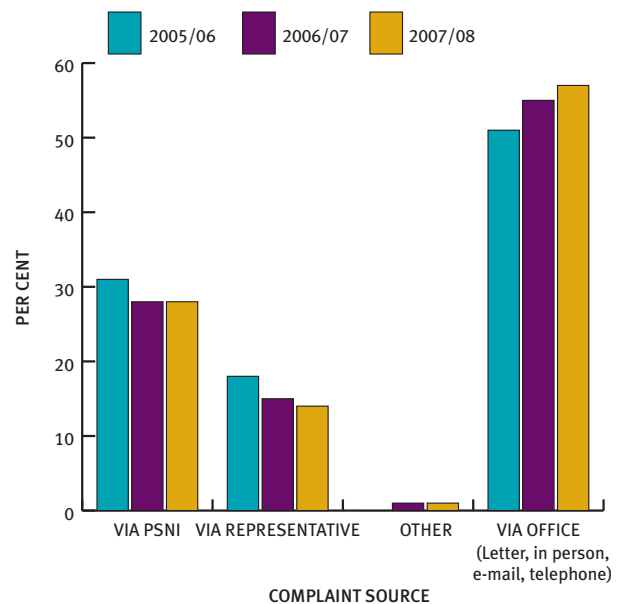
Each month the Office forwards statistical reports to police detailing the numbers and types of allegations arising from each of the District Command Units. This information is provided in the various formats identified by the PSNI. When any request for alternative information is received, this is provided where it is available. Such information assists local police managers as well as District Policing Partnerships (DPP’s) to monitor levels of allegations associated with each station within the District. The Office also produces ad hoc reports requested by District Commanders, which focus on particular aspects of

complaints/allegations within their area. On a monthly basis the Office also provides police with information on officers who have attracted three or more complaints in a rolling 12-month period. This information helps local commanders track trends and patterns of complaints against individual officers within their Districts and should be used with other relevant personnel information for management purposes.

SOURCE OF COMPLAINTS

During the past year fifty seven percent of complaints were made directly to the Office of the Police Ombudsman by way of letter, email, and telephone or in person to the Office. This represents a two per cent increase on the previous year and reflects a continuing trend of increasing numbers of complainants contacting the Office directly. Twenty eight per cent of complaints were received via PSNI whilst fourteen percent were made to the Office by representation on behalf of complainants.

Source of complaints/non-complaint matters, 2005/06 - 2007/08



| Allegations by type and sub-type, 2007/08 | | | | |
|---|--|--------------|-----------------|------------|
| Allegation Type | Allegation Sub-type | Total | Monthly Average | % |
| Failure in Duty | Detention, treatment and questioning | 97 | 8 | 2 |
| | Failure in duty | 1,700 | 142 | 33 |
| | Identification procedures | 1 | 0 | 0 |
| | Multiple or unspecified breaches which cannot be allocated | 2 | 0 | 0 |
| | Other irregularity in procedure | 109 | 9 | 2 |
| | Searching of premises and seizure of property | 123 | 10 | 2 |
| | Stop and Search | 37 | 3 | 1 |
| | Tape recording | 1 | 0 | 0 |
| | Unknown | 0 | 0 | 0 |
| | Sub-total | | 2,070 | 173 |
| Homophobia | Homophobia | 3 | 0 | 0 |
| Incivility | Incivility | 703 | 59 | 13 |
| | Sectarian abuse | 26 | 2 | 0 |
| | Sub-total | 729 | 61 | 14 |
| Malpractice | Corrupt practice | 70 | 6 | 1 |
| | Irregularity in relation to evidence/perjury | 77 | 7 | 1 |
| | Mishandling of property | 54 | 5 | 1 |
| | Sub-total | 202 | 17 | 4 |
| Oppressive Behaviour | Oppressive conduct or harassment | 608 | 51 | 12 |
| | Other assault | 987 | 82 | 19 |
| | Serious non-sexual assault | 25 | 2 | 0 |
| | Sexual assault | 25 | 2 | 0 |
| | Unlawful/unnecessary arrest or detention | 179 | 15 | 3 |
| | Unknown | 0 | 0 | 0 |
| Sub-total | | 1,824 | 152 | 35 |
| Racial Discrimination | Racial discriminatory behaviour | 20 | 2 | 0 |
| Traffic | Traffic irregularity | 66 | 6 | 1 |
| Other | Other | 283 | 24 | 5 |
| Section 55 Referral | Section 55 Referral | 24 | 2 | 0 |
| Total 2007/08 | | 5,220 | 435 | 100 |
| Total 2006/07 | | 5,589 | 466 | - |

| Complaints and allegations arising from each ACU, 2007/08, and number of officers in each ACU | | | | | | | | |
|---|--------------|-------------|--------------|-------------|--------------|-------------|------------------------------|------------------------------|
| | Complaints | | Allegations | | Officers | | 2006/07 | 2007/08 |
| | Number | % | Number | % | Number | % | Allegations/ 100 officers | Allegations/ 100 officers |
| Antrim | 108 | 3.8 | 174 | 3.5 | 148 | 2.6 | 126 | 118 |
| Ards | 92 | 3.2 | 160 | 3.3 | 240 | 4.1 | 101 | 67 |
| Armagh | 76 | 2.7 | 134 | 2.7 | 131 | 2.3 | 94 | 102 |
| Ballymena | 99 | 3.5 | 176 | 3.6 | 224 | 3.9 | 112 | 79 |
| Ballymoney | 32 | 1.1 | 60 | 1.2 | 65 | 1.1 | 41 | 92 |
| Banbridge | 64 | 2.2 | 95 | 1.9 | 133 | 2.3 | 53 | 71 |
| Belfast East | 146 | 5.1 | 253 | 5.1 | 273 | 4.7 | 100 | 93 |
| Belfast North | 261 | 9.2 | 482 | 9.8 | 436 | 7.5 | 119 | 111 |
| Belfast South | 231 | 8.1 | 428 | 8.7 | 492 | 8.5 | 81 | 87 |
| Belfast West | 122 | 4.3 | 195 | 4.0 | 253 | 4.4 | 102 | 77 |
| Belfast Sub-Total | 760 | 26.7 | 1,358 | 27.6 | 1,454 | 25.1 | 99 | 93 |
| Carrick | 97 | 3.4 | 162 | 3.3 | 104 | 1.8 | 125 | 156 |
| Castlereagh | 81 | 2.8 | 133 | 2.7 | 151 | 2.6 | 57 | 88 |
| Coleraine | 190 | 6.7 | 322 | 6.5 | 239 | 4.1 | 182 | 135 |
| Cookstown | 41 | 1.4 | 79 | 1.6 | 84 | 1.5 | 94 | 94 |
| Craigavon | 123 | 4.3 | 222 | 4.5 | 254 | 4.4 | 75 | 87 |
| Down | 88 | 3.1 | 153 | 3.1 | 173 | 3.0 | 59 | 88 |
| Dungannon | 44 | 1.5 | 67 | 1.4 | 144 | 2.5 | 66 | 47 |
| Fermanagh | 56 | 2.0 | 93 | 1.9 | 207 | 3.6 | 70 | 45 |
| Foyle | 156 | 5.5 | 307 | 6.2 | 366 | 6.3 | 80 | 84 |
| Larne | 46 | 1.6 | 88 | 1.8 | 79 | 1.4 | 112 | 111 |
| Limavady | 51 | 1.8 | 75 | 1.5 | 100 | 1.7 | 75 | 75 |
| Lisburn | 127 | 4.5 | 215 | 4.4 | 410 | 7.1 | 66 | 52 |
| Magherafelt | 38 | 1.3 | 67 | 1.4 | 89 | 1.5 | 67 | 75 |
| Moyle | 16 | 0.6 | 24 | 0.5 | 26 | 0.4 | 140 | 92 |
| Newry & Mourne | 119 | 4.2 | 187 | 3.8 | 314 | 5.4 | 66 | 60 |
| Newtownabbey | 84 | 2.9 | 132 | 2.7 | 213 | 3.7 | 61 | 62 |
| North Down | 143 | 5.0 | 229 | 4.7 | 181 | 3.1 | 113 | 127 |
| Omagh | 62 | 2.2 | 110 | 2.2 | 138 | 2.4 | 75 | 80 |
| Strabane | 58 | 2.0 | 95 | 1.9 | 118 | 2.0 | 94 | 81 |
| Other / Unknown | 230 | - | 303 | - | 0 | - | - | - |
| Total | 3,081 | 100 | 5,220 | 100 | 5,785 | 100 | 95 | 90 |

Information in respect of officer details supplied by PSNI. Includes 111 complaints in more than one ACU.

- Carrick, Coleraine, North Down and Antrim attracted most allegations per 100 officers.
- Decrease in allegations against officers in Ards, Ballymena, West Belfast, Coleraine, Moyle and Fermanagh.
- Increase in allegations against officers in Ballymoney, Banbridge, Castlereagh, Carrick and Down

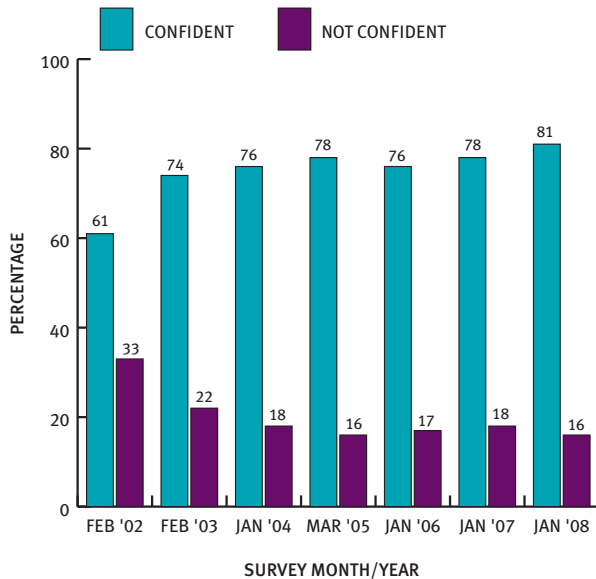
CASE STUDY: HEALTH AND SAFETY CONCERNS

During the year the Police Ombudsman, Al Hutchinson, made a recommendation to police regarding their procedures in incidents when they have used CS Spray. The recommendation followed an investigation by his Office which looked at an incident when a police officer used his spray on two people. The Police Ombudsman investigation concluded that the use of force by the police officer appeared to have been justified given the aggression displayed towards police. However, he expressed some concerns: “Following any discharge of CS Spray, the primary concern is the health and safety of any person exposed to the spray, whether it be members of the public or police officers. It is very important that all information, including the after care given to those persons, is documented. This issue should be reinforced to all officers, particularly during their initial training in how to use the Spray,” he said.

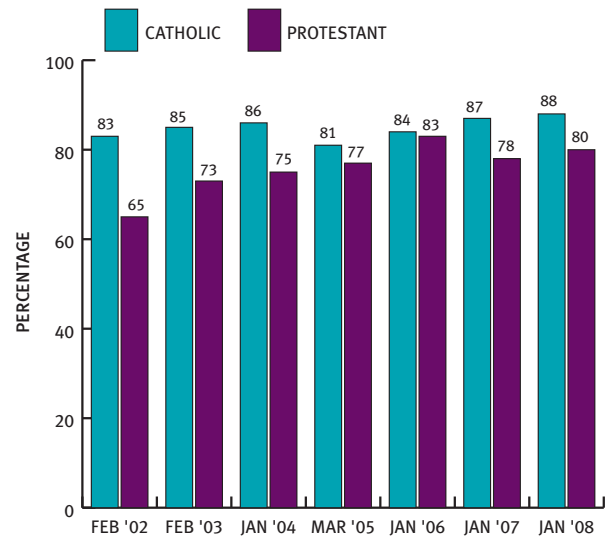
CASE STUDY: RECOMMENDATION REGARDING NOTEBOOKS

The Police Ombudsman made a recommendation that police review their administration of notebooks given to officers. Police officers are allowed to have only one notebook at a time – unless they have an earlier book returned to them for the purpose of giving evidence in court. However, during an investigation they were undertaking, Police Ombudsman staff established that one officer had eight notebooks, some of which had been recorded as having being returned to senior officers and some of which had never been officially issued to him. When Police Ombudsman investigators looked at his notebooks over an extended period, a number of problems became evident: the dates the notebooks had been issued and had been completed were not filled in, the notes in the books were not kept in sequential order and many of the booklets had blank pages. The Police Ombudsman recommended that police should review the administration of notebooks used as ‘evidence gathering’ tools. His recommendations included a suggestion that systems are regularly reviewed to ensure officers are never in charge of more than one notebook at any given time, other than for proper reasons.

Confidence in the impartiality of the Police Ombudsman's Investigations, February 2002 - January 2008



Proportions of Catholic and Protestant respondents thinking that the Police Ombudsman would help the police do a good job, February 2002 - January 2008



EFFECT OF POLICE OMBUDSMAN ON POLICING

- 83% of respondents thought the Police Ombudsman would help ensure that the police do a good job
- Males and females were equally likely to hold this view
- Catholics (88%) were more likely than Protestants (80%) to think that the Police Ombudsman would help ensure the police do a good job.

COMPLAINANT SATISFACTION

A complainant satisfaction survey questionnaire was issued to 2,647 complainants following closure of their complaints. Respondents were presented with 23 statements, 13 of which were yes/no answers, 8 were on a scale very satisfied to very dissatisfied, and 2 were open-ended statements. A total of 553 questionnaires were returned giving a response rate of 21%.

A total of 57% of respondents, taking everything into account, were satisfied with the service they received. This includes 28% who were very satisfied.

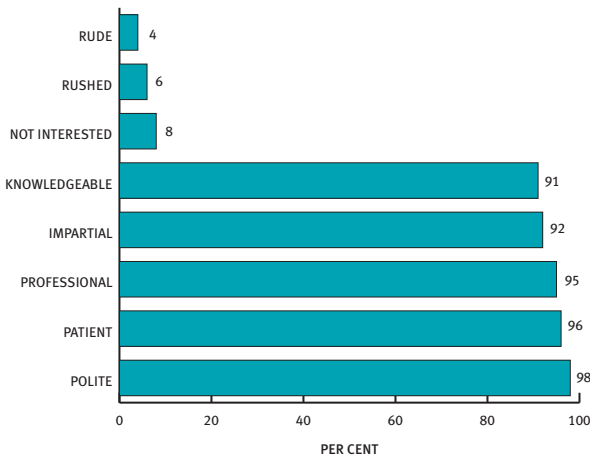
HIGH LEVELS OF POLICE OFFICER SATISFACTION WITH POLICE OMBUDSMAN'S INVESTIGATION

85% of police officers investigated thought they were treated fairly.

Of the 91% of police officers who spoke to a Police Ombudsman investigating officer:

- 95% thought Police Ombudsman investigators acted professionally
- 92% thought Police Ombudsman investigators acted impartially
- 96% thought Police Ombudsman investigators were patient
- 91% thought Police Ombudsman investigators were knowledgeable
- 98% thought Police Ombudsman staff were polite.

Police Officer Satisfaction with Police Ombudsman Investigating Staff

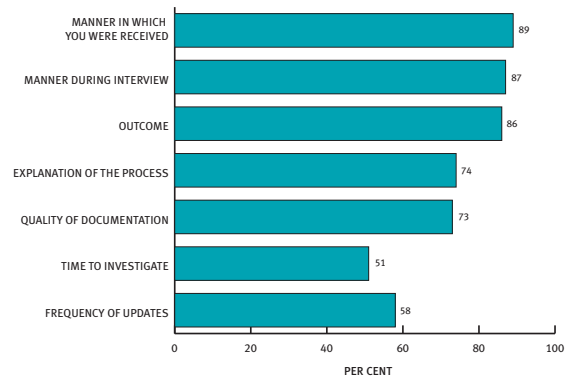


"I was treated more than professionally by the investigating officer. He kept me fully informed at every stage."(Police officer)

LEVELS OF SATISFACTION WITH INVESTIGATION PROCESS

Officers subject to Police Ombudsman investigation were asked on a scale ranging from very satisfied to very dissatisfied to express views on the investigation process.

Police Officer Satisfaction with Investigation Process

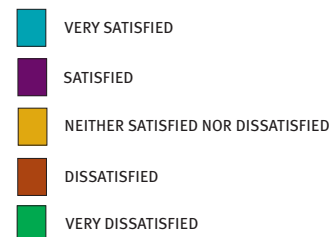
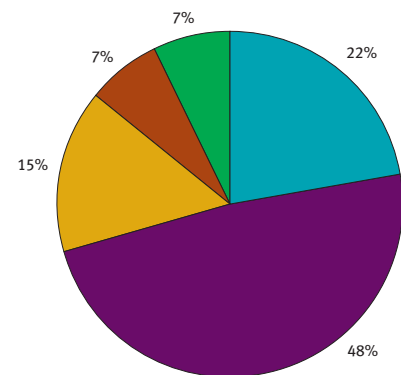


OVERALL POLICE OFFICER SATISFACTION WITH SERVICE

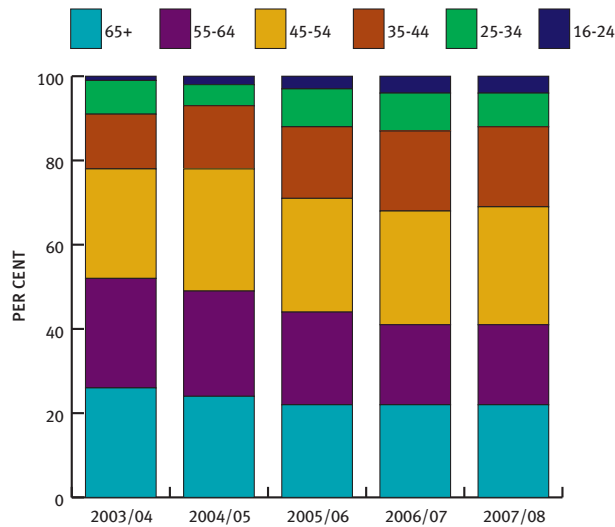
70% of police officers investigated by Police Ombudsman investigators said they were satisfied or very satisfied with the overall service they received from the Office.

"I was extremely satisfied with how this case was handled. The Investigating Officer was very professional and left me in no doubt that my case would be handled in a professional impartial manner. My thanks to him for this". (Police officer)

Taking everything into account how satisfied or dissatisfied were you with the overall service you received



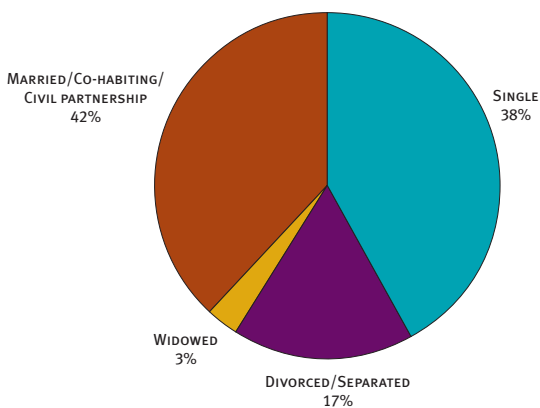
Age of Complainants



MARITAL STATUS

The largest proportion of complainants (42%) described themselves as being either married, co-habiting or in civil partnership. Thirty eight per cent said that they were single, while 17% said that they were either separated or divorced.

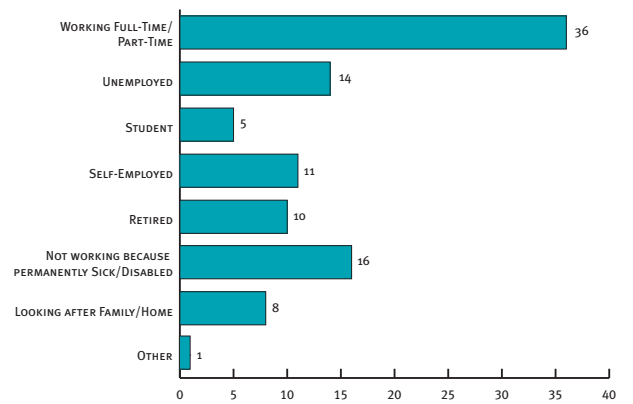
Complainants' Marital Status



EMPLOYMENT STATUS

Forty seven per cent of respondents said that they were working full or part time or self employed, while 14% of respondents said that they were unemployed.

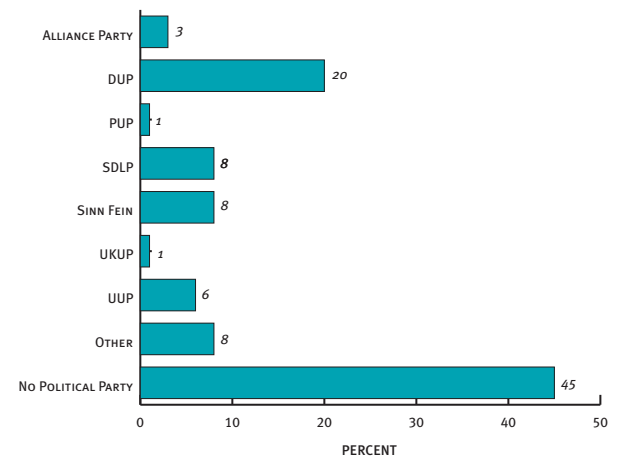
Complainants' Employment Status



POLITICAL OPINION

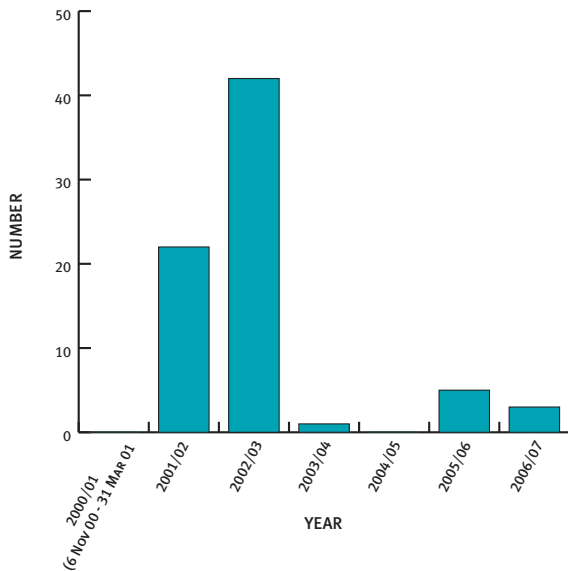
Of the 756 complainants who provided information about their political opinion, 3% supported the Alliance Party, 20% the DUP, 1% the PUP, 8% the SDLP, 8% Sinn Fein, 1% the UKUP, 6% the UUP and 8% others. Forty five per cent of complainants who provided information reported that they supported no political party.

Political Opinion



The number of allegations involving baton round/AEP use has decreased considerably since 2002/03.

Allegations involving Baton Rounds/AEP's 2000/01 - 2006/07

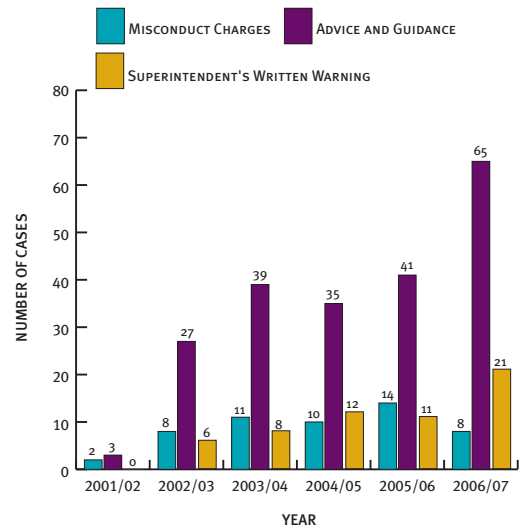


Discipline

Some cases are referred to the Chief Constable when there is clear evidence that an officer has committed a disciplinary breach. From 2001/02 until 2006/07, 321 cases have been referred to the Chief Constable, with the Police Ombudsman making the following recommendations:

- Misconduct Charges
- Superintendent’s Written Warning
- Advice and Guidance given to officers.

Cases recommended to Chief Constable, 2001/02 - 2006/07



SURVEY OF SERVING POLICE OFFICERS

This year the Police Ombudsman commissioned an independent survey of the views and attitudes of serving police officers towards the Office. The survey was supported by the Chief Constable, the Police Federation for Northern Ireland and the Superintendents’ Association of Northern Ireland. A Steering Group representing the Police Ombudsman’s Office, the Chief Constable and the staff associations agreed the survey methodology and the questionnaire. To ensure the independence of the survey, it was undertaken by Social and Strategic Research Ltd (SSMR), a company based in England. The Office of the Police Ombudsman, the Chief Constable, the Police Federation for Northern Ireland and the Superintendents’ Association for Northern Ireland urged all officers to complete and return the survey questionnaire, stressing the importance that the views and attitudes of police officers to the Office of the Police Ombudsman are made known. The survey fieldwork took place during February and March 2008. Analysis of the returned questionnaires was conducted by Dr Malcolm Hibberd, who has worked with police in the UK since 1982, carrying out research and providing consultancy and training and has worked extensively with police in Northern Ireland since the early 1990s. A report was produced in May and will be published in due course.

PSNI Response

All Custody Officers were reminded, via DCU Command, of their duties in relation to detained persons who have been exposed to CS Spray, and these issues will be addressed in the training of Custody Officers.

- All police officers issued with CS spray canisters should be reminded of the importance of accurately recording all aspects relating to the use of such devices and related aftercare issues. This specifically relates to distances at which CS spray is discharged, the nature of aftercare advice given, and the manner in which prisoners exposed to CS spray are conveyed from their place of arrest to the nearest Custody Office. Such attention to detail is stipulated in General Order 28/2004 and ensures the transparency and accountability of the process.

PSNI Response

On 23 March 2006 an email was issued to all police, reminding them of the need to maintain accurate records of any use of force; in particular, the use of CS Spray, including the distance at which CS Spray is discharged, the nature of aftercare advice given, and the manner in which prisoners exposed to CS Spray are conveyed from their place of arrest to the Custody Suite.

Baton Guns

- All officers currently classified in the use of baton guns are issued with authorisation cards, which must be presented before baton gun and baton rounds are issued.

PSNI Response

The subject of baton gun authorisation cards was examined. While these have been issued in the past on an ad hoc basis, it was agreed that the HR database (SAPS) is a much more reliable system. The rollout of new technology within the Service means that records are now updated by Firearms Trainers in a much more timely fashion.

- That, as part of the review of evidence gatherers, spotters/evidence gatherers in discharges from vehicles are used in all cases.

PSNI Response

Your report highlighted the fact that the actual discharge of baton rounds is seldom captured on police evidential video. This resulted in the PSNI experimenting with various methods of gathering such evidence. Staff from your office were invited to view our experiments with cameras on helmets, baton guns and baton vests, which demonstrated that the capturing of video evidence of each baton round fired is neither practicable nor feasible using these methods. The Police Ombudsman SIO accepted that these methods do not meet your evidential requirements, and agreed that the use of evidence gatherers is the best way forward. The Review Panel has referred the aspect of evidence gatherers to the Operational Training Policy Group to take forward and the Panel will seek regular updates from the Policy Group to ensure a system is put in place.

Baton Round Warnings

- No evidence exists that any public warnings were given, despite the fact that there would appear to have been opportunity to give such warnings. It is recommended that the necessity of giving such warnings at the scene of disorder should be brought to the attention of relevant personnel in order that lessons can be learned.

Guidelines do state that such warnings should be given when practicable. Despite the very serious nature of the disorder it is felt that a number of warnings could, and indeed, should have been given prior to some of the baton round discharges. The criticism is levelled in order that this point is reinforced to officers in future order situations. It is vitally important that established guidelines and procedures be followed in order to protect the public. In addition, it also protects police officers from possible sanction at a later date.

between November 2000 and March 2007. The majority were allegations of assault of a 'less serious nature'. Complaints tended to be made mostly by males in the 16-24 age group. The majority of incidents took place at the weekend, with 17% of all incidents taking place between midnight and 3:00am on Saturdays and Sundays. North Belfast District Command Unit recorded the highest number of handcuff complaints.

A total of 52 allegations were examined in detail. Forty out of 52 allegations included as part of the allegation that the handcuffs had been applied too tightly by one or more of the police officers involved in the incident. Out of the 46 Forensic Medical Officer (FMO) reports examined, in 12 cases 'red marks' were the only injury reported by the FMO and in 9 cases the FMO actually noted that no injury was present.

Findings from the qualitative research showed that police officers were very confident in deciding when to use handcuffs and in applying handcuffs. They also had positive views on handcuff training received and on the design of handcuffs. Whilst all police officers said that they would check for tightness, only four out of the thirteen police officers interviewed said they would record this as a matter of course.

A NUMBER OF RECOMMENDATIONS WERE MADE REGARDING THE USE OF HANDCUFFS

Scenario based training

- That the handcuff training should include as much 'role play' and 'scenario based' situations as possible and that Probationary Development training should involve an element of scenario based handcuff training.

Warning given against struggling

- That the Police Service of Northern Ireland Policy Directive PD 07/07 should be amended to place an onus on police officers, where possible, that when handcuffs are applied a warning should be given to the subject that struggling may cause the handcuffs to tighten and cause injury.

Recording of Evidence

- That police officers should record in notebooks that
 - they have asked subject if handcuffs are too tight
 - they have checked and adjusted for tightness
 - they have double locked the handcuffs
 - they have warned the subject that struggling may cause injury.

Design of Rigid Handcuff

- That keyholes are located on both sides of handcuffs.
- That research is initiated aimed at resolving the issue of where police officers keep their keys.

Recording of more details on injuries to Complainants

- That Forensic Medical Officers (FMOs) where appropriate, fill in a hand injury chart in conjunction with the body chart.
- That they record if the injuries were consistent with handcuffing and how severe the injuries are.
- That guidelines should be developed to advise FMOs how to record injuries in a consistent way eg if there was a fracture, skin breach or nerve injury.

At the end of the financial year a response to the report's recommendations was awaited from the Chief Constable. Once received it will be incorporated in the final report, which is scheduled to be published in June 2008.

| Key Performance Indicators | Targets (2007-2008) | Performance against Targets (2007-2008) |
|---|---|---|
| Timely Process | 90% of complaints, not subject of investigation or Informal Resolution, to be dealt with within 40 working days | 73% achievement |
| | 90% of complainants to be contacted by the Investigating Officer within 3 working days of the complaint being allocated to that officer | 94% achievement |
| | 90% of complaints suitable for Informal Resolution to be referred within 3 working days of complainant consent being obtained | 94% achievement |
| | To review, assess and prioritise all statutory referrals and public complaints, in Historic Cases, within 50 working days | 75% achievement |
| Timeliness of the complaint investigation | 90% of new complaint investigations to be completed within 120 working days, apart from grave or exceptional matters | 68% achievement |
| Informing the public and police | Maintain a programme to inform the public via the media of the outcomes of complaints and investigations | 9 press releases re investigation outcomes. 3 major media profile interviews with Police Ombudsman |
| | Maintain a reactive programme to respond to questions from the public, their representatives and the media about the work of the Office of the Police Ombudsman | Office subject of more than 150 media articles, 20 FOI requests |
| | Provide a targeted programme of information and engagement within the community, including 40 events in schools in association with community organisations | 15 events attended |
| | A programme of information to be provided to District Policing Partnerships and all new District Command Units | Presentations as requested |
| | To provide an effective information service to the new parliament, to the Assembly Committees and related bodies | No significant requests |

| Key Performance Indicators | Targets (2007-2008) | Performance against Targets (2007-2008) |
|---|--|---|
| Effective management information systems | Conduct a post-project review of the implementation of the CHS System by September '07 | Not achieved |
| | Ensure all identified training in support of CHS is carried out by August '07 | Not achieved |
| Level of staff attendance | To reduce the level of staff absence | Achieved |
| Programme of staff development and training | To maintain 70% of investigating officers with achievement of accredited investigator status | Achieved |
| | 8 managers to participate in an accredited management training programme | Achieved |
| | To develop an accredited complaints officer training programme | Not achieved |
| | To prepare the annual training needs analysis of all staff by 30 June '07 and ensure delivery of 80% of approved training by 31 March 2008 | 64% achievement |
| Compliance with Equality Legislation | To complete annual fair employment monitoring return by 1 May '07 | Completed |
| | To complete annual equality scheme progress report by 31 August '07 | Completed |
| | To establish an updated equality scheme by 31 August '07 | Not finalised |

SALARY AND PENSION ENTITLEMENTS

The following sections provide details of the remuneration and pension interests of the most senior officials in the Office.

| Remuneration | 2007-08 | | 2006-07 | |
|---|----------------|------------------------------------|----------------|------------------------------------|
| | Salary (£'000) | Benefits in kind (to nearest £100) | Salary (£'000) | Benefits in kind (to nearest £100) |
| Mrs Nuala O'Loan ¹ <i>Police Ombudsman (to 5 November 2007)</i> | 70-75 | - | 115-120 | - |
| Mr Al Hutchinson ² <i>Police Ombudsman (from 6 November 2007)</i> | 50-55 | 6,100 | - | - |
| Mr Samuel Pollock <i>Chief Executive</i> | 85-90 | - | 80-85 | - |
| Mr Justin Felice ³ <i>Senior Director of Investigations (to 8 September 2007)</i> | 35-40 | - | 75-80 | - |
| Mr James Coupland ⁴ <i>Senior Director of Investigations (from 8 January 2008)</i> | 20-25 | - | - | - |
| Mrs Olwen Laird <i>Director of Corporate Services</i> | 55-60 | - | 50-55 | - |
| Mr Greg Mullan <i>Director of Policy and Practice</i> | 50-55 | - | 50-55 | - |
| Mr Tim Gracey <i>Director of Information</i> | 50-55 | - | 50-55 | - |
| Mr John Larkin <i>Director of Investigations</i> | 70-75 | - | 70-75 | - |
| Mr Jim Kitson ⁵ <i>Director of Legal Services (from 1 June 2007)</i> | 40-45 | - | - | - |
| Mr Edward Simpson <i>Non Executive Audit Committee Member</i> | 0-5 | - | 0-5 | - |
| Mr RST Ewing <i>Non Executive Audit Committee Member</i> | 0-5 | - | 0-5 | - |

1. Salary Figure quoted is for the period 1 April 2007 to 5 November 2007. The full year equivalent is £120 – 125k

2. Salary Figure quoted is for the period 6 November 2007 to 31 March 2008. The full year equivalent is £135 – 140k

3. Salary Figure quoted is for the period 1 April 2007 to 8 September 2007. The full year equivalent is £85 – 90k

SALARY

‘Salary’ includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

This report is based on payments made by the Office and thus recorded in these accounts.

BENEFITS IN KIND

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument.

CIVIL SERVICE PENSIONS

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a ‘final salary’ scheme (classic, premium or classic plus); or a ‘whole career’ scheme (nuvos). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus and nuvos are increased annually in line with changes in the Retail Prices Index (RPI). Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a good quality ‘money purchase’ stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for classic and 3.5% for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years’ pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits in respect of service before 1 October

2002 calculated broadly as per classic and benefits for service from October 2002 calculated as in premium. In nuvos a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member’s earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with RPI. In all cases members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a selection of approved products. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer’s basic contribution). Employers also contribute a further 0.8% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus and 65 for members of nuvos.

Further details about the Civil Service pension arrangements can be found at the website www.civilservice-pensions.gov.uk

Statement of the Police Ombudsman for Northern Ireland and Chief Executive's Responsibilities

Under paragraph 12 of Schedule 3 of the Police (Northern Ireland) Act 1998 the Police Ombudsman for Northern Ireland is required to prepare a statement of accounts for each financial year in the form and on the basis directed by the Secretary of State.

The accounts are prepared on an accruals basis and must include an operating cost statement, balance sheet and a cash flow statement. The accounts are required to give a true and fair view of the income and expenditure for the financial year and the balances held at the year end.

In preparing the accounts the Office of the Police Ombudsman for Northern Ireland is required to:

- observe the accounts direction issued by the Northern Ireland Office, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on the going concern basis.

The Accounting Officer of the Northern Ireland Office has designated the Chief Executive as Accounting Officer of the Office of the Police Ombudsman for Northern Ireland. The Chief Executive's relevant responsibilities as Accounting Officer, including his responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum issued by HM Treasury and published in Managing Public Money.

system of internal control by the Audit Committee and a plan to ensure continuous improvement of the system is in place. The system of internal control is based on a framework of regular management information, financial and administrative procedures including the segregation of duties, management supervision and a system of delegation and accountability. In particular the system includes:

- business planning and objective setting processes, including the setting of targets to measure financial and other performance;
- the operation of a performance management system for staff;
- financial planning and budgeting systems;
- internal audit arrangements and an audit committee;
- financial accounting systems and administrative procedures, including delegated levels of authority;
- capital investment control guidelines.

AUDIT COMMITTEE

The Audit Committee continues to provide an essential oversight of the controls and good governance of the Office. The Committee is self standing with a terms of reference and comprises representatives of the Office of the Police Ombudsman, representatives from the Department (Northern Ireland Office) and two independent non-executive members who have been in post throughout the financial year. The Audit Committee is chaired by an independent non-executive member. I am required to report to this Committee quarterly or more often if required.

INTERNAL AUDIT

The Office of the Police Ombudsman for Northern Ireland has an internal audit service, which operates to standards defined in the Government Internal Audit Manual. The work of the internal audit service is informed by the risk management process and the internal audit plans are based on the risk register. The analysis of risk and the internal audit plans are endorsed by the Police Ombudsman's Audit Committee and approved by me. The internal audit arrangements require the Head of Internal Audit (HIA), at least annually, to provide me with an annual report on internal audit activity in the Office.

The report includes the HIA's independent opinion on the adequacy and effectiveness of the Office's system of internal control. The internal audit report, completed during the period of the accounts, provided assurance that controls were operating adequately in respect of financial and management information and complaints and investigations. The Internal Auditor noted limited assurance in respect of Information Technology systems, however I am satisfied that the necessary actions are now being progressed to improve the adequacy of controls in this area. These internal audit reports build upon the assurance received from Internal Audit in previous years.

Samuel Pollock, OBE
BSc (Hons), Dip. App. Soc. Studies,
Chief Executive

9 June 2008

Basis of audit opinion

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Office of the Police Ombudsman for Northern Ireland and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Office of the Police Ombudsman for Northern Ireland's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

Audit Opinion

In my opinion:

- the financial statements give a true and fair view, in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, of the state of Office of the Police Ombudsman for Northern Ireland's affairs as at 31 March 2008 and of its net operating cost for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland; and
- information which comprises the Report of the Chief Executive included within the Annual Report, is consistent with the financial statements.

Audit Opinion on Regularity

In my opinion, in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Report

I have no observations to make on these financial statements.

T J Burr

Comptroller and Auditor General

24 June 2008

National Audit Office
151 Buckingham Palace Road
Victoria
London SW1W 9SS

Balance Sheet as at 31 March 2008

| | Note | as at 31 March 2008 £ | as at 31 March 2007 £ |
|--|------|-----------------------------|-----------------------------|
| Fixed Assets | | | |
| Tangible assets | 6 | 1,231,378 | 1,239,370 |
| Intangible assets | 6 | 969,736 | 947,960 |
| | | 2,201,114 | 2,187,330 |
| Debtors falling due after more than one year | 7 | 3,443 | 0 |
| Current Assets | | | |
| Debtors and prepayments | 7 | 138,892 | 164,031 |
| Cash at bank and in hand | 8 | 148,457 | 189,716 |
| | | 287,349 | 353,747 |
| Creditors - amounts falling due within one year | 9 | (468,676) | (720,710) |
| Net Current Liabilities | | (181,327) | (366,963) |
| Total Assets less Current Liabilities | | 2,023,230 | 1,820,367 |
| Creditors - amounts falling due after more than one year | 9 | - | - |
| Provisions for liabilities and charges | 10 | (124,750) | (112,550) |
| | | 1,898,480 | 1,707,817 |
| Financed By: | | | |
| Capital and Reserves | | | |
| General Reserve | 11 | 835,617 | 990,591 |
| Government Grant Reserve | 11 | 934,560 | 614,006 |
| Revaluation Reserve | 11 | 128,303 | 103,220 |
| | | 1,898,480 | 1,707,817 |
| The notes on pages 63 to 75 form part of these accounts. | | | |

Notes to the Accounts

1. ACCOUNTING POLICIES

These financial statements have been prepared on an accruals basis in accordance with the Accounts Direction given by the Secretary of State for Northern Ireland. The particular accounting policies adopted by the Office of the Police Ombudsman for Northern Ireland are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

1.1 Accounting Convention

The financial statements are prepared under the historical cost convention modified to include the revaluation of fixed assets by reference to their current cost.

Without limiting the information given, the accounts meet:

- the accounting and disclosure requirements of the Companies (Northern Ireland) Order 1986;
- generally accepted accounting practice in the United Kingdom (UK GAAP); and
- the accounting and disclosure requirements of the Accounts Direction, the Management Statement, Financial Delegations and Conditions of Grant issued to the Office of the Police Ombudsman by the Secretary of State for Northern Ireland;
- the accounting and disclosure requirements given in the Managing Public Money and Financial Reporting Manual (FrM)

in so far as these are appropriate to the Office of the Police Ombudsman for Northern Ireland and are in force for the financial year for which the statements are prepared.

1.2 Capital Grants and Grand-in-Aid

The Office of the Police Ombudsman for Northern Ireland is funded by Grant in Aid from the Northern Ireland Office, request for resources 1. Grant in Aid received used to finance activities and expenditure which support the statutory and other objectives of the Office are treated as financing, credited to the General Reserve, because they are regarded as contributions from a controlling party.

Grant in Aid received towards the purchase of fixed assets in general is also credited directly to the General Reserve and a release of depreciation/diminution to the Operating Cost Statement is no longer permitted under the new treatment of Grant in Aid.

Capital Grants, whether from a sponsor department or from other sources, relating to capital expenditure used to acquire specific capital items are credited to a Government Grant Reserve and released to the Operating Cost Statement over the useful life of the asset in amounts equal to the depreciation charge of the asset and any impairment. The Office has one specific asset that is funded as Capital Grant, namely the Case Handling System. A separate fixed asset category has been created in relation to this asset to ensure the correct treatment of grant funding.

The estimated useful lives of fixed assets are summarised under each category below:

| Category: | Estimated useful lives: |
|---|---------------------------------|
| Land and buildings - leasehold improvement expenditure | The remaining term of the lease |
| Furniture and fittings | 3 - 10 years |
| Information Technology: - PCs, peripherals and other related equipment - Servers | 4 - 7 years 7 years |
| Intangibles - Case Handling System - Software | 4 - 7 years 4 - 7 years |

The threshold levels will be reviewed regularly and revised to reflect the effect of inflation on asset values. The estimated useful lives of assets will also be reviewed regularly and when necessary revised.

1.5 Pension Costs

Past and present employees are covered by the provisions of the Civil Service Pension Schemes which are described in the Remuneration Report on pages 50 to 54 and in note 3.4. The defined benefit elements of the schemes are unfunded. The organisation recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the Principal Civil Service Pension Schemes (PCSPS) of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution elements of the schemes, the organisation recognises the contributions payable for the year.

1.6 Leases

Rentals paid under operating leases are charged to operating costs on a straight-line basis over the term of the lease.

1.7 Contingent Liabilities

Contingent liabilities are disclosed in line with FRS 12.

2. FINANCIAL TARGETS

The Office of the Police Ombudsman for Northern Ireland has no formally agreed financial targets.

3.3 Police Ombudsman's Remuneration

Mr Al Hutchinson was appointed as Police Ombudsman on 6 November 2007. His total remuneration as Police Ombudsman, including benefits in kind but excluding pension contributions, was £60,739 (£nil for the year ended 31 March 2007). Employer pension contributions of £6,328 have been accrued in relation to Mr Al Hutchinson's pension for 2007/08.

The former Police Ombudsman, Mrs Nuala O'Loan completed her tenure in Office on 5 November 2007. Her total remuneration, excluding pension contributions, was £72,939 (£118,772 for the year ended 31 March 2007). The former Police Ombudsman was an ordinary member of the Principal Civil Service Pension Scheme.

3.4 Pensions

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme. The Office of the Police Ombudsman is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation (www.civilservice-pensions.gov.uk).

For the year ended 31 March 2008, employers' contributions of £603,756 were payable to the PCSPS (£590,561 for the year ended 31 March 2007) at one of four rates in the range 17.1% to 25.5% per cent of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions every four years following a full scheme valuation. From 2008/09, the salary bands will be revised but the rates will remain the same. (The rates will be changing with effect from April 2009). The contribution rates are set to meet the cost of the benefits accruing during 2007/08 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account which is a stakeholder pension with an employer contribution. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. Additionally 0.8% of pensionable pay is payable to the PCSPS to cover the cost of the future provision of lump sum benefits of death in service and ill health retirements of these employees. There were no employer's contributions paid to the appointed stakeholder pension providers, nor to the PCSPS.

The Remuneration Report on pages 50 to 54 contains detailed pension information.

6. FIXED ASSETS

| | Tangible Fixed Assets | | | | Intangible Fixed Assets | | | Total Assets £ |
|--------------------------|--|------------------------------|--------------------------------|-------------------------|---------------------------------|---------------------------|---------------------------|-------------------|
| | Land & buildings, lease hold improvements New Cathedral Buildings £ | Furniture & Fittings £ | Information Technology £ | Total Tangibles £ | Case Handling System £ | Software Licences £ | Total Intangibles £ | |
| Cost or Valuation | | | | | | | | |
| At 1 April 2007 | 950,000 | 248,571 | 826,607 | 2,025,178 | 785,309 | 347,970 | 1,133,279 | 3,158,457 |
| Additions | 0 | 9,664 | 105,346 | 115,010 | 177,172 | 7,659 | 184,831 | 299,841 |
| Revaluation | (100,000) | 11,317 | (10,884) | (99,567) | (26,448) | (8,548) | (34,996) | (134,563) |
| Disposals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transfers | 0 | 16,653 | 68,220 | 84,873 | (84,873) | 0 | (84,873) | 0 |
| At 31 March 2008 | 850,000 | 286,205 | 989,289 | 2,125,494 | 851,160 | 347,081 | 1,198,241 | 3,323,735 |
| Depreciation | | | | | | | | |
| At 1 April 2007 | 0 | 121,813 | 663,995 | 785,808 | 1,110 | 184,209 | 185,319 | 971,127 |
| Charge for year | 118,750 | 31,224 | 74,890 | 224,864 | 0 | 47,165 | 47,165 | 272,029 |
| Backlog | (118,750) | 4,984 | (3,900) | (117,666) | 0 | (2,869) | (2,869) | (120,535) |
| Disposals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transfers | 0 | 1,110 | 0 | 1,110 | (1,110) | 0 | (1,110) | 0 |
| At 31 March 2008 | 0 | 159,131 | 734,985 | 894,116 | 0 | 228,505 | 228,505 | 1,122,621 |
| Net Book Value | | | | | | | | |
| At 31 March 2007 | 950,000 | 126,758 | 162,612 | 1,239,370 | 784,199 | 163,761 | 947,960 | 2,187,330 |
| At 31 March 2008 | 850,000 | 127,074 | 254,304 | 1,231,378 | 851,160 | 118,576 | 969,736 | 2,201,114 |

Leasehold improvements have been valued by Valuation and Lands Agency on the existing use basis at £850,000 as at 31 March 2008 (£950,000 as at 31 March 2007). The open market valuation at that date was £nil (£nil at 31 March 2007).

| Analysis of capital expenditure | 2007/08 £ | 2006/07 £ |
|---|----------------|----------------|
| Total fixed asset additions | 299,841 | 764,320 |
| Decrease/(increase) in accruals related to fixed asset additions (note 9) | 179,760 | (99,994) |
| Total cash payments for fixed assets | 479,601 | 664,326 |

Fixed assets are funded by Grant in Aid except for the Case Handling System which is an asset funded by a specific capital grant.

9. CREDITORS

| Amounts falling due within one year | as at 31 March 2008 £ | as at 31 March 2007 £ |
|--|-----------------------------|-----------------------------|
| Taxation, pension and social security accruals | 43,642 | 73,787 |
| Trade creditors | 20,761 | 100,484 |
| Other accruals | 404,273 | 546,439 |
| | 468,676 | 720,710 |

Creditors include an amount of £1,814 (£181,574 2006/07) for fixed assets which has been properly accrued as fixed asset additions in note 6 but against which payment and grant funding will be made/received in 2008/09.

Creditors include an Inter-Governmental balance of £120,919 (£53,853 2006/07) with Forensic Science Northern Ireland.

Amounts falling due after one year

There are no creditors falling due for payment after more than one year.

10. PROVISION FOR LIABILITIES AND CHARGES

| | as at 31 March 2008 £ | as at 31 March 2007 £ |
|--|-----------------------------|-----------------------------|
| Balance as at 1 April 2007 | 112,550 | 8,750 |
| Provisions provided in year | 86,000 | 103,800 |
| Provisions released in year not required | (39,823) | 0 |
| Provisions utilised in year | (33,977) | 0 |
| Balance as at 31 March 2008 | 124,750 | 112,550 |

Provisions for legal claims are made on the basis of all known claims, estimated based on legal advice. The amount which is provided is based on an expected probability basis, where the total probable cost is provided in full if the expected risk of failure is likely to exceed 50% and on full anticipated costs of defending legal actions where no recovery of such costs is likely.

At 31 March 2008 the Office had ongoing two Judicial review processes, and four civil claims. The provision which has been calculated in respect of these matters is £83,750 for judicial reviews, £41,000 for civil actions. These provisions relate mainly to legal costs to be incurred in defending these matters. At 31 March 2007 the provision for £112,550 was in respect of three Judicial review matters, three Industrial Tribunal processes and one civil claim.

Expenditure is likely to be incurred within one year and no re-imburement is likely to occur.

12. CAPITAL COMMITMENTS

As at 31 March 2008 the Office of the Police Ombudsman for Northern Ireland had contracted capital commitments with two suppliers amounting to £143,290 (£128,010 as at 31 March 2007).

13. COMMITMENTS UNDER OPERATING LEASES

Commitments under operating leases to pay rentals during the year following the year of these accounts are given in the table below, analysed according to the period in which the lease expires.

| | Buildings £ | Other £ | Total as at 31 March 2008 £ | as at 31 March 2007 £ |
|-----------------------------------|----------------|---------------|-----------------------------------|-----------------------------|
| Operating leases expiring: | | | | |
| Within one year | 0 | 7,043 | 7,043 | 16,810 |
| Between two and five years | 0 | 14,300 | 14,300 | 5,571 |
| After five years | 263,200 | 0 | 263,200 | 263,200 |
| Total | 263,200 | 21,343 | 284,543 | 285,581 |

14. RECONCILIATION OF TOTAL OPERATING EXPENDITURE TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

| | 2007/08 £ | 2006/07 £ |
|---|--------------------|--------------------|
| Total operating expenditure | (8,617,612) | (8,514,150) |
| Depreciation charge | 272,029 | 277,131 |
| Permanent diminution in value of fixed assets | 39,111 | 65,006 |
| Notional cost of capital | 57,192 | 49,380 |
| Provisions provided in year | 86,000 | 103,800 |
| Provisions utilised in year | (33,977) | 0 |
| Provisions released in year not required | (39,823) | 0 |
| Decrease / (Increase) in debtors and prepayments | 21,696 | (23,230) |
| (Decrease) / Increase in creditors and accruals | (72,274) | 87,864 |
| Net cash outflow from operating activities | (8,287,658) | (7,954,199) |

19. FINANCIAL INSTRUMENTS

FRS 13, Derivatives and Other Financial Instruments, requires disclosure of the role which financial instruments have had during the year in creating or changing the risks an entity faces in undertaking its activities. Due to the non-trading nature of its activities and the way in which executive Non-Departmental Public Bodies are financed, the Office of the Police Ombudsman is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Office of the Police Ombudsman has no powers to borrow or invest surplus funds and has limited end year flexibility. Financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Office in undertaking its activities.

As permitted by FRS13, debtors and creditors which mature or become payable within 12 months from the balance sheet date have been excluded from this disclosure.

Liquidity risk

The Office of the Police Ombudsman is financed by Grant in Aid from the Northern Ireland Office and is accountable to Parliament through the Secretary of State for Northern Ireland and is not therefore exposed to significant liquidity risk.

Interest-rate risk

All financial assets and financial liabilities of the Office of the Police Ombudsman carry nil rates of interest and therefore are not exposed to interest-rate risk.

Currency risk

The Office of the Police Ombudsman does not trade in foreign currency and therefore has no exposure to foreign currency risk.

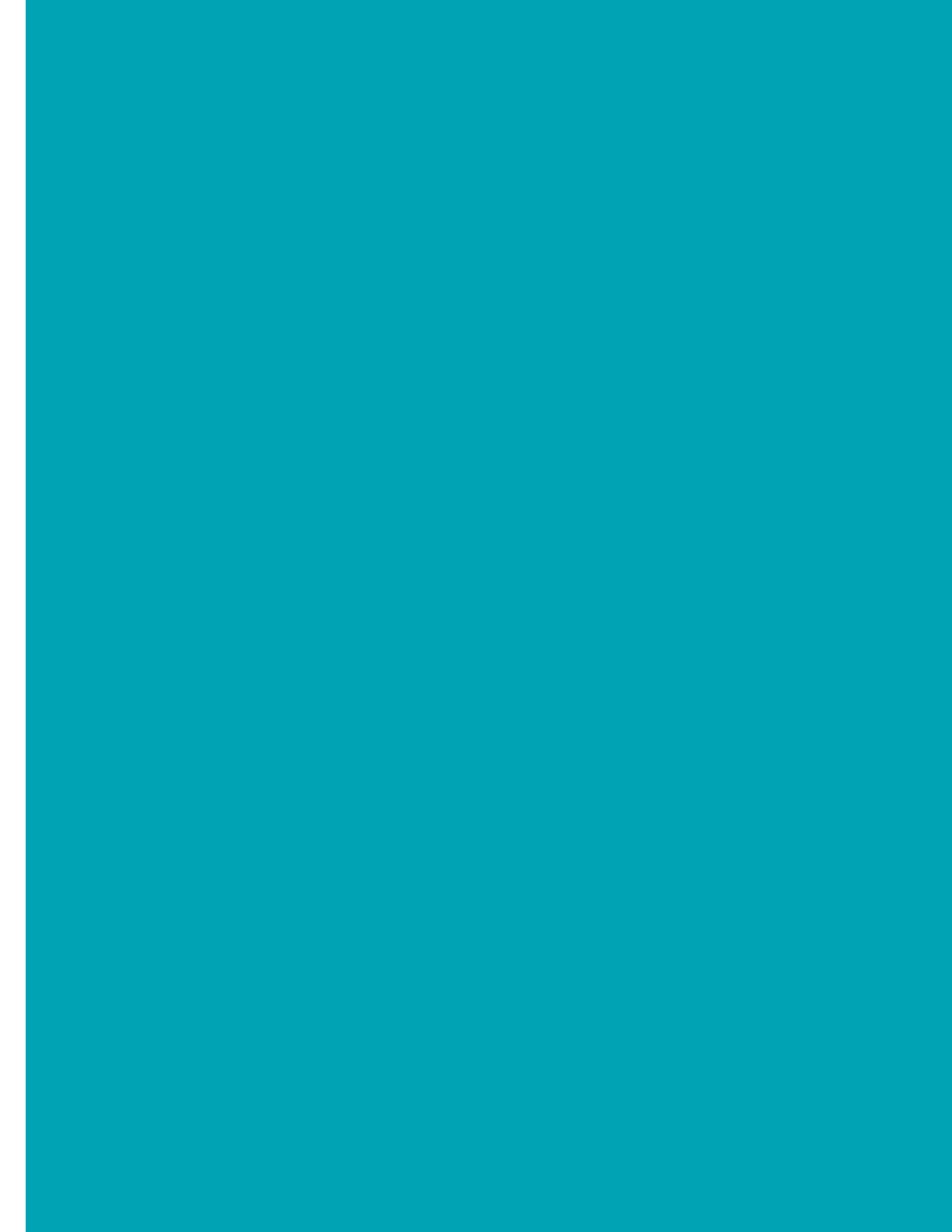
Fair Values

The book values and fair values of the Office of the Police Ombudsman's financial assets and financial liabilities as at 31 March 2008 are set out below:

| | Book value £ | Fair value £ |
|------------------------------|-----------------|-----------------|
| Financial assets: | | |
| Cash at bank | 148,457 | 148,457 |
| Financial liabilities | | |
| None | N/A | N/A |

20. POST BALANCE SHEET EVENTS

There have been no significant events since the end of the financial year which would affect the results for the year or assets and liabilities at the year end. The Annual Report and Accounts are authorised for issue to the Secretary of State on 24 June 2008.



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