

Record of meeting

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TITLE	Operation Kenova Governance Board		
SUMMARY	Record of discussions and recommendations made by the Board		
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Minutes of Meeting 4th November 2020, 1pm
Video Conference

Present

Jon Boutcher (Interim Chair) - JB

Keith Surtees - KS

Liam O'Brien – LO'B

Phil Wells - PW

Bertha McDougall - BMc

Monica McWilliams - MMc

Sir John Chilcot - JC

Rev. Harold Good – HG

Apologies

Iain Livingstone - IL

Fr. Martin McGill - MM

Guests

Tony Fuller - TF

Suzanne Jordan - SJ

Andrew Mortimer - AM

Laura Cormack - LMc

1. Minutes of last Board Meeting June 2020

The minutes were agreed as an accurate record of discussions.

2. Matters arising

Action 1/20/GB - All Board members to provide short Biography suitable for inclusion in any media release and for posting on the Kenova website.

Action Discharged.

Following a brief discussion the Board agreed that the minutes of these meetings should be made public.

Action 2/20/GB – Minutes of Meeting 4 June 2020 to be published on Kenova Website

3. Northern Ireland Affairs Committee (NIAC)

(Board Papers - correspondence between the chair of the committee (Simon Hoare) and JB prior to his attendance).

JB updated the Board as to events leading to his being called to provide oral evidence to the NIAC on 2 September 2020 and the approach adopted.

NIAC published its interim findings on 26 October 2020. Chapter 7 of the report is extremely complimentary of the approach adopted by Kenova. In its conclusions the committee have publically stated;

The Government must examine:

- a) how Operation Kenova has engaged with victims' groups and families;*
- b) whether Operation Kenova could be scaled up to deliver across the piece; and*
- c) whether aspects of Operation Kenova's approach could usefully be replicated or reinforced in any new legacy body or bodies, including its use of investigative governance and victims oversight mechanisms to provide independent scrutiny and build public confidence and the way in which it has fostered positive and trusting relationships with families.*

Board Members complimented JB on the manner and content of the evidence provided.

4. National Police Chiefs Council (NPCC) Review

(Board Papers - proposed timetable for the completion of the NPCC review).

JB – provided the Board with an update on the scope and progress of the NPCC Homicide Working Group review of Operation Kenova.

The review commenced in early October and would run throughout November 2020. As part of the process members of the ISG and VFG have been interviewed by the review team.

JB stated that the team may have occasion to contact members of the Board as part of the review process. In any event it is JB's intention that the review team present findings to the Board at the next scheduled meeting.

Action 3/20/GB – The NPCC Lead reviewers to present review findings to next Board meeting.

Action 4/20/GB – NPCC Review Final Report to be made available to Board Members.

5. Independent Steering Group (ISG) and Victim Focus Group (VFG) – updates

Due to ongoing COVID 19 restrictions it had not been possible for the ISG or VFG to meet in person as scheduled. **JB** reported that he maintains regular contact with individual members from both of these important oversight groups. A virtual meeting of the ISG is scheduled for early December 2020.

A virtual meeting of the VFG is scheduled for Thursday 12 November 2020. The investigation is now engaged with 176 families across the various strands of Kenova and included victims from both the nationalist republican and unionist communities. Kenova were also engaged with victims' families from the security forces and from within the Republic of Ireland (Monaghan and Dublin bombings). The VFG has greatly assisted JB in maintaining confidence in Kenova across the spectrum of victims.

The VFG are in the process of preparing an independent report that outlines victim's experiences of Kenova thus far.

Action 5/20/GB – it is intended for VFG members to present their findings and speak at the next Board meeting.

Board member complimented JB as to the manner in which he had interacted with families and enquired as to whether the investigation had encountered any difficulties with families.

JB acknowledge that a very small number of families had long-standing grievances that pre-date Kenova and that some were still clearly traumatised by their personal experiences.

Board comment - many families affected by the Troubles did still not have access to counselling services.

Board member commended JB for his leadership and the integrity displayed to families by the wider investigation team. The approach adopted by Kenova was evidence based and was building trust and confidence in communities throughout NI.

Board member commented that in his opinion the Westminster Government will need to perform a political turnabout as a consequence of the NIAC interim report.

A general discussion ensued regards the importance placed upon service to families by Operation Kenova. Officers and staff are subject to regular continuous professional development training sessions/days that frequently feature inputs from family advocacy groups. **SJ** has recently attended a Post Graduate Diploma course in Trauma hosted by University College Cork and there are plans to extend this training to other members of the team.

Board member declared that they remain an external reviewer for Cork University.

JB stated that he looked to the Governance Board to hold him to account with regards to all aspects of the investigation but in particular the treatment of families. **JB** also informed the Board of his scheduled appearance before the Policing Board on 5 November 2020.

Board member requested that any Kenova press lines/releases should be made available to the Board at the time of release.

6. Professional Reference Group

JB outlined the membership of the group;

Iain Livingstone – Chief Constable Police Scotland;
Dave Thompson – Chief Constable West Midlands Police.
Martin Hewitt – Head of Police Chiefs Council

This group will advise **JB** on the construction and delivery of public facing reports that he has undertaken to produce at the conclusion of the investigations.

JB reported that Kenova maintain a Risk Register that is regularly reviewed and managed through the Kenova Business Executive Group.

Board comment - it would be useful for the Board to be sighted on these risks so as to offer any support they could.

Action 6/20/GB – Strategic Risk Register to be presented to next Board Meeting.

Short Comfort Break

7. Progress Report on Investigations

JB provided an update to the Board on the recent Director of Public Prosecutions decision regards the Perjury Investigation. While **JB** respects the decision of the Director it remains his view that it was the incorrect decision. In discussions with families post decision, **JB** reported that families did not apportion blame to Kenova but rather dismissed the decision as ‘the usual cover up’. **JB** stated it is highly likely that the decision will be subjected to an application for Judicial Review by solicitors acting for families.

KS provided the Board with a comprehensive update on all the remaining 'Stakeknife' related investigations. There are currently 15 files with the Public Prosecution Service (PPS) directly related to this particular investigation with an intention to submit a further 10-12 files in early part of 2021.

KS then provided the Board an update on the progress made into the re-investigation of the murder of 3 RUC officers in 1982. Responses to this particular terrorist attack led to the allegations of 'shoot to kill' being investigated by Stalker/Sampson. Good progress is being made particularly in respect of the forensic re-examination of original exhibits. A recent media appeal was conducted on the anniversary of the attack that was supported by the families whose solicitor read a statement on behalf of the three families.

LO'B provided the Board with a comprehensive update on progress made in regards the Barnard Review. There are currently a total of 115 incidents being examined by the team of which 91 are confirmed as forming part of the terms of reference. 82 of these incidents are within NI, the remaining 9 occurring in the Republic of Ireland. Engagement with families has been temporarily frustrated by COVID 19 restrictions although JB continues to maintain regular telephone contact. LO'B is in the process of securing additional short term resource to accelerate the review process which remains a significant challenge.

SJ provided a brief update on the investigation into the death of Jean Campbell-Smyth. Good progress has been made in relation to forensic re-examination of key exhibits and seeking accounts from former military personnel on duty on the evening of Jean's death. SJ then provided a brief resume of the family liaison strategy for the Barnard Review group of families.

Board comment – recommend that the Board be provided operational update briefings prior to Board meetings that would then enable Board Members to ask pertinent questions.

Action 7/20/GB – Operational Summaries to be provided to Board Members in advance of meetings.

8. Finance and Resources

JB reported that the operating budget for 2020 is £7 million. Funding is provided by Chief Constable Byrne who has received additional DoJ funding to supplement his PSNI budget in light of Kenova being funded by the PSNI. Kenova expenditure is comprehensively audited by PW from Beds Police. To provide additional rigour to these business as usual processes Kenova has been subject to 2 independent financial reviews. Routine business is managed through the Kenova Business Executive that meets quarterly. In addition to these structures JB also provides quarterly updates to Chief Constable Byrne.

JB provided the Board with a short resume of the role of the newly formed Remuneration Panel. The panel is made up of PW, TF and JB and meets bi-annually to discuss matters of staff remuneration.

Board members stated that matters of performance and fiscal management are usually for the Board to oversee. It was recommended as an assurance to the Board that Board members would be provided a 'headline report' from which to interrogate further or ask questions.

JB agreed that Finance and Review of Risk Register should become agenda items in future Board meetings.

9. Any other Business

JB provided the Board with an update on how Kenova seeks to safeguard the 'wellbeing' of its staff throughout the COVID 19 pandemic. The investigation is linked into the NPCC Strategic sub-group and has a risk assessed approach to all activities. There is a Wellbeing Forum that is chaired by SJ that ensures staff are actively engaged in this important matter.

JB provided the Board with an update on an ongoing issue with the Ombudsman. The Ombudsman had recently wrote to JB questioning the legitimacy/accountability of the senior leadership team and whether the existing memorandum of understanding remained relevant. JB explained to the Board that over time senior police officers have retired from service and have been retained on Agency terms. JB has taken legal advice from John Beggs QC who is of the opinion that staff remain equally accountable and as such current arrangements remain satisfactory. A written response has been drafted to that effect. The Board will be updated at the next meeting.

Board member. This matter should be addressed if Kenova were to be scaled up to become part of the Historic Inquiries Unit.

Board member cited a declarable association with an SOI in one of the Kenova cases.

After a short discussion the Board agreed unanimously that there was no conflict in interest arising from this association.

JB asked that the matter of the chair be deferred to the next Board Meeting as the first agenda item.

Meeting concluded.

Governance Board – Action Register		
Action	Title	Status
1/20/GB	<i>All Board members to provide short Biography suitable for inclusion in any media release and for posting on the Kenova website.</i>	Discharged – 4 November 2020
2/20/GB	Minutes of Meeting 4 June 2020 to be published on Kenova Website	Discharged – 24 November 2020
3/20/GB	Messrs Fullwood and Southworth to present review findings to next Board meeting.	
4/20/GB	NPCC Review Final Report to be made available to Board Members	Discharged – 19 January 2021
5/20/GB	VFG members to present their findings to the next Board meeting	
6/20/GB	Strategic Risk Register to be presented to next Board Meeting	
7/20/GB	Operational Summaries to be provided to Board Members in advance of meetings	