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OPERATION KENOVA

Record of meeting

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TITLE	Operation Kenova Governance Board held 30 th October 2023		
SUMMARY	Record of discussions and recommendations made by the Board		
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Minutes of Meeting

30th October 2023

Present

Iain Livingstone – IL (Chair)

CC Jon Boutcher – JB

Bertha McDougall – BM

Monica McWilliams – MMW

Rev. Harold Good – HG

Fr. Martin Magill – MM

Keith Surtees – KS

Andy Mortimer – AM

Minutes

Sharon Dutton

Apologies

None recorded

Agenda

1. Welcome
2. Minutes of previous meeting
3. Declarations of Interests
4. Address by Jon Boutcher Chief Constable of Police Service of Northern Ireland
5. Address by Sir Iain Livingstone followed by Election of new Chair
6. Kenova Update including finance, accommodation and staff.
7. Interim Report submission and launch
8. Turma / DPPNI Update
9. Operation Denton and AGS engagement
10. ICRIR engagement
11. AOB



1. Introduction / Welcome

Chair (IL) welcomed everyone and apologised for some technical issues. He referred to the considerable change in his role as OIOC of Op Kenova while **JB** is (Interim) Chief Constable of PSNI and explained how this had always been the contingency plan.

Chair (IL) further advised that the decision regarding the permanent role is to be announced next week and if **JB** is successful in this process **IL** will take over the role of OIOC on a permanent basis. The five board members would then need an extraordinary meeting to discuss the appointment of a non-executive member to the Chair role and how to manage the responses to the publication of the Interim Report.

Chair (IL) welcomed Chief Constable (Interim) Jon Boutcher to the meeting and congratulated him on his recent appointment.

2. Minutes of September meeting

The minutes of the meeting held on 19 September 2023 were agreed following a minor change.

3. Declaration of interests

JB explained that he had expressed his interest in the role of (Interim) Chief Constable of PSNI on 3 October and his appointment was confirmed on 12 October 2023. The role of OIOC of Kenova was formally handed over to **IL** on 11 October 2023.

Oliver Saunders KC had provided legal advice regarding any potential conflicts arising from his appointment. This confirmed that the Interim Report had been completed within **JB's** tenure as OIOC and submitted before his formal appointment as (Interim) Chief Constable.

4. Address by Interim Chief Constable Jon Boutcher

JB provided an update of his new role in the PSNI, the challenges they are facing and discussed the publication of the report within the next two months.

A lengthy discussion took place regarding some of the changes already made to parts of the report. Concerns remained from board members about some aspects of the narrative regarding the history of the 'Troubles' and some other minor changes previously recommended to **JB**. **Board Members** raised concerns how a failure to address these observations may result in a negative response once the report is published.

Chair requested that members collate a list of these residual concerns and submit to **SD** by next Monday, 6 November 2023.

The different spellings of (SK) throughout the report was queried – this is explained in page 16 item 6.

It was agreed that a further meeting should take place 1-2 weeks prior to publication to discuss how best to manage potential adverse responses to the Interim Report. A full list of 'red flag' issues should be prepared.



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OPERATION KENOVA

MMW referred to the importance of communication and suggested that Op Kenova Media Officer (David Old) should attend the next meeting. This was agreed.

It was agreed that the minutes of **today's meeting would not be posted on the website** until after the report was mentioned.

JB detailed the position with the Op Kenova files still with the PPS. They are preparing to write to the families regarding the Stakeknife cases notifying them that, following his death, no further action will be taken. No prosecutions are expected for the two other Kenova cases even though we have provided further evidence.

JB states that the Op Mizzenmast report is now with Counsel.

5. Election of new chair

Chair (IL) agreed to hold the **Chair** position until after the results of selection process for Chief Constable PSNI were confirmed.

6. Kenova update Re Finance/Staffing

KS explained the consequences of the significant reduction in Kenova budget for this financial year from £6.5m to £4.5m. 13 members of staff were released last week and Kenova is operating at a BWT of 42 FTE. CTPHQ have recently confirmed their ability to meet Kenova rental costs for 2023/24 which should enable Kenova to deliver a balanced budget.

Decisions will be needed regarding elements of Kenova that will have to be cut back to enable key operational work to be delivered. Demand from Special Advocates (civil cases) are increasing on a month to month basis and funding will need to be identified if Kenova is to continue providing this non-core service.

Chair (IL) stated an application will be made to PSNI for funding for the next financial year to enable the completion of the Denton report, the Kenova family reports and the transition from Op Kenova to ICRIR.

7. Interim Report submission and launch

Covered above in item 4.

8. Turma / DPPNI Update

JB reported that a file was provided to PPS in February 2022. Recent meetings have been positive and we are hopeful that their might be a decision to prosecute in the near future.

9. Operation Denton and AGS Engagement

KS reported whilst Denton is progressing, milestones will need to be put in place to ensure the final finding Report is published in a timely fashion.

KS confirmed Denton staff have been afforded access to AGS intelligence that should enable Denton to complete the report.



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OPERATION KENOVA

JB stated that the aim had been to complete the Denton report by the 1st of May 2024. **JB** acknowledged that all the stages of the protocol may not have been fully navigated at this time but that Sir Declan Morgan is supportive of the proposed approach.

10. ICRIR Engagement

KS advised that Peter Sheridan would be in post as Commissioner of Investigations/Information Recovery from 1st December 2023.

Approximately 35 Commission staff are already in post consisting predominantly of back office staff and some senior posts and a further 20-30 civil servants working on delivering the project of standing up the Commission.

Discussion took place regarding current legislation and immunity and possible changes to this.

11. AOB:

Chair (IL) thanked everyone for their attendance and continued support.

It was confirmed that potential dates would be put forward as soon as possible for a meeting either at the end of November or beginning of December to include David Old.

It was agreed that the date of publication should not coincide with any anniversary.