

**REVIEW OF THE PROPOSAL FOR A NEW POLICE FUND**

**(Recommendation 87 of the Patten Report)**

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**Reviewer**

**October 2000**

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REVIEW OF THE PROPOSAL FOR A NEW POLICE FUND (RECOMMENDATION 87 OF THE PATTEN REPORT)-

**Background** 1. The Independent Commission on Policing for Northern Ireland recommended that "a substantial fund be set up to help injured police officers, injured retired officers and their families, as well as police widows". The relevant extracts from the Commission's Report are attached at Annex 1.

2. This recommendation was accepted by the Government with a target date for implementation of April 2001.

3. At the end of July this year I was appointed to review the proposal for a Fund and to report to the Secretary of State by the end of October. I was given the following terms of reference:

## "Purpose

The purpose of the review is to assist the Secretary of State with the implementation of Patten's recommendation that: "A substantial fund should be set up to help injured police officers, injured retired officers and their families, as well as police widows. The fund could supplement the income of those on very low pensions, help finance the procurement of better prostheses or household equipment for the disabled, and make grants to universities for research or for bursaries for disabled officers who wish to study" (recommendation 87, para 10.20).

## Objectives

To examine and make recommendations about:

- the needs of injured police officers, injured retired officers and their families, as well as police widows, which might properly be met by such a fund; and
- arrangements for the establishment and administration of such a fund, bearing in mind the principles of Government Accounting.

In conducting the review, the reviewer should have due regard to the existence of other funds available from the police and others and the need to avoid overlap or duplication in terms of funding and/or objectives.

## Report

The reviewer should report to the Secretary of State with recommendations by end October 2000.

## Consultation

In conducting this work, the reviewer should consult:

- the Royal Ulster Constabulary;
- the Police Authority for Northern Ireland;
- the Police Association;
- the RUC Widows' Association;
- the Disabled Police Officers' Association;
- the Police Rehabilitation and Retraining Trust; and
- any other person or body appearing to the reviewer to have a relevant interest in the matter."

4. Although these terms of reference do not distinguish between officers who have been killed or injured as a result of terrorist action and those who have otherwise been killed or injured it is clear from the Report that the Patten Commission had only the former in mind. I will return to this point later in the report.

**Consultation** 5. I have carried out a consultation process as required by the terms of reference. The full list of those I met or visited, sometimes more than once, is as follows:

Sir Kenneth Bloomfield KCB, Northern Ireland Victims Commissioner

Chief Police Officers' Staff Association

Compensation Agency for Northern Ireland

Disabled Police Officers' Association

Mr Jeffrey Donaldson MP

Sir Ronnie Flanagan OBE, Chief Constable of the RUC

Forgotten Families

Injured RUC officers still serving

Lord Laird of Artigarvan

NIO Victims'Liaison Unit

Mr R N Pierce (former Secretary to the Patten Commission)

Police Authority for Northern Ireland

Police Federation for Northern Ireland

Police Rehabilitation and Retraining Trust

Lord Rogan of Lower Iveagh

RUC Athletic Association

RUC Benevolent Fund

RUC Occupational Health Unit

RUC Retired Officers Association

RUC Welfare Branch

RUC Widows'Association

Superintendents' Association of Northern Ireland

Mr D Watkins and other officials from the Northern Ireland Office

Police Convalescent Home, Harrogate

I am most grateful to them all and especially to the widows and disabled officers who spoke to me frankly and often movingly about what happened to their lives, and the lives of their families, in the aftermath of sudden bereavement and disablement. Their courage in the face of devastating events and the fortitude with which they got on with their lives is difficult to comprehend. Some spoke with pride about how they had managed with little money and about the achievements of their children.

6. For the most part I detected little bitterness from the bereaved and disabled about the events which had reshaped their lives and those of their families. Perhaps it has faded with time or has simply been put to one side so that it did not compound the damage already done. What I did detect was immense pride in the Royal Ulster Constabulary and in their membership of the police family.

7. It was only on the question of how the State had treated them financially that I found bitterness. And a recurrent theme was the shabby way in which they had been treated by the legal system. Thus from an officer who suffered severe back injuries and psychological problems as a result of a bomb attack in 1989 in which a colleague was killed and another injured: "It took seven years for the claim to come to court. I was worried about court costs - if the court awarded less than I was offered out of court I would have to pay all the costs. I did not dismiss this, so weighing up the legal advice offered I thought it best to accept the out, of court settlement. I have no prospect of ever working again. This attack has left me disabled psychologically and physically. My daughter had to give up her work to look after me."

And from an officer discharged from the RUC in 1978 with a 60% degree of disablement following a terrorist bomb attack:

'At the time I was a married man with a wife and two babies. The physical and emotional state that I was in put a tremendous strain on my family. I had lost my job at the peak of my career and was not in any fit state mentally to look after my financial situation ... I received the amount of £7,000 in an out of court settlement. Subsequently, I realised that this was the wrong avenue to go down and the amount I received was a pittance for what I suffered and continue to suffer. Also taking into account that I lost my job, my earned

income, overtime ++, reduced pension because I retired early, a reduced state pension, again because I had to retire early, a much smaller pension for my wife when I die. I lost any chance I had of promotion, investing my earnings to give me a comfortable old age for myself and my wife and to buy me life insurance ... my wife suffered because she had to work again to support us and look after the children and me. As it was they did without a lot of things they would have had if I had not lost my job through terrorist attack. "

In recent times the case of widows has received some publicity and has attracted a good deal of sympathy. The Articles which appeared in the Belfast Telegraph covering interviews given to Gail Walker by 'Maureen' (not her real name) on 14 June 2000, and Mrs Dorothy Arbuckle on 26 July 2000 are worth reading or reading again. Copies are attached at Annex 2.

8. The examples quoted above are only a sample of similar views which I received from disabled officers and widows. And talking to them many years later one can still feel the hurt and anger of widows who during the legal process were told "you are a young woman and will soon marry again".

### **Need for a Fund**

9. My terms of reference do not require me to validate the Patten recommendation on the setting up of a Fund to help injured police officers, injured retired officers and their families, as well as police widows. However, I feel bound to point out that, on the basis of all that I have heard in past weeks as well as on the limited research for which I have had time, the establishment of such a Fund is certainly required.

10. In the past thirty or so years Northern Ireland has experienced a very high level of terrorist violence directed against the State and its institutions and often sectarian in nature. The RUC and the RUC Reserve, supported by the Army and civilian workers and contractors, have been the prime instrument of protection available to the community at large. No other police force in the United Kingdom - to confine it to that - has had to face such difficulties and dangers in doing its duty.

11. The men and women of the RUC responded to this challenge with great courage and by doing so have made their own contribution to achieving a peaceful way forward in Northern Ireland. For this they have paid a high price in terms of deaths and injuries, not to mention the day-to-day fear and often disruption faced by police officers generally and their families. Between 1969 and 2000 (to 30 June) 302 officers were killed and 9396 injured.

12. It is therefore right that the State should recognise the special place of those RUC families which have suffered most grievously i.e. the families of murdered officers and those who have been disabled and their families.

### **The Royal Ulster Constabulary Benevolent Fund**

13. Up to now the RUC Benevolent Fund has been the main body to attempt to give practical help over and above statutory provision to widows and injured officers and their families. Its annual income, currently running at around £ 1.5m, is derived mainly from members' subscriptions and also from public donations and income from investments. Its expenditure, currently about £1.2m per year, is spread pretty thinly and includes a substantial payment to Northern Police Convalescent Homes in Great Britain, which are well used by members and former members of the RUC. A fuller summary of its income and expenditure is included at Annex 3.

14. It is clear that the Benevolent Fund has played an extremely useful role over the years. People have had holidays who would not otherwise have had them and few who have approached it for financial help have been turned away. But the Benevolent Fund managers themselves would be the first to recognise that more should have been done and that some held back from approaching the Fund out of pride.

### **Other Sources of Assistance**

15. In March 1971 the then Northern Ireland Government made special provision for the benefit of widows and dependants of those RUC officers "who have died whilst combating subversive elements or as a result of the actions of persons engaged in subversive activity" (my underlining). Currently the benefits payable to dependants from what is known as the 'No. 4 Account' are single payments of £5,850 (next of kin of married member), £2,150 (each dependant child), and £3,150 (next of kin of a single member).

16. The Police Dependant's Trust is a registered charity established in 1966 to assist in

cases of need where police officers were killed or injured on duty. Since 1981, when the Trust was expanded to cover all police forces in the United Kingdom, members of the RUC and their dependants have been eligible to benefit from the Trust, providing the officer was killed or injured on duty. Applications for such assistance are channelled through the RUC Welfare Branch and include benefits such as maintenance grants, special purpose grants, education and holiday grants. The level of financial assistance varies from individual to individual but for this year (up to 31 July) some £95,000 has been paid by way of help in 56 RUC cases. As a means-tested form of assistance not everyone who could benefit feels happy about applying for what they perceive as charity.

17. Some help is also available through the Northern Ireland Memorial Fund, an independent charity which receives contributions from the Government. The Memorial Fund's Small Grants Scheme provides grant assistance towards the purchase of essential items and services to individuals who have suffered as a result of the Troubles in Northern Ireland, and who can demonstrate that they are currently experiencing financial difficulties as a result of their personal experiences. A perception of means-testing, allied with security concerns about revealing personal details to a body which is outside "the police family" means that relatively few injured officers, or dependants of murdered officers, have approached the Small Grants Scheme.

### **Scope of a Police Fund**

18 The substantial question which requires to be answered under this heading is whether or not the scope of a new police fund should extend beyond cases where members of the RUC have been killed or injured as a direct result of terrorist action. In other words should the Fund cover all officers killed or injured on duty or even all officers who have died, from whatever cause, and all those who have been injured, whatever the circumstances.

19. The Patten Report makes it clear that the Commission had in mind only deaths and injuries as a direct result of terrorist violence and I have confirmed this with the Secretary to the Commission. The Fund would therefore be an acknowledgement of the special obligation owed by the State to the families of police officers murdered and officers injured as a direct result of terrorism.

20. And yet, a widow is a widow and disablement is disablement whatever the circumstances. The loss of a husband, father or son is no less of a personal tragedy because it occurred in a road traffic accident rather than a bomb attack. And the pain of injury is no less because it was caused accidentally rather than by deliberate terrorist attack.

21. It has also been put to me that the deaths of some RUC officers by suicide, and from natural causes, might well have their root cause in their experience of terrorist incidents and the stress associated with operating conditions and the fear of attack - both on and off duty. No officers committed suicide in the years 1969-1974 but since then, up to 4 September 2000, 70 officers have died by their own hand. This represents a high rate for this type of death but it is really not possible for me to distinguish between the various factors which might have been in play in individual cases. Similarly it can be shown that from 1974 to date, on the basis of deaths per 1000 officers, serving RUC officers are over 3 times more likely to die (from all causes) than serving police officers within the London Metropolitan Police. Even when security related deaths are removed from the figures, serving RUC officers are more than twice as likely to die than serving police officers within the Metropolitan Police. These figures are telling but again it is not possible for me in this Review to begin to distinguish between the factors which might have been in play. I will mention this subject again later.

22. In considering the possible scope of a Fund I also have to take into account that the RUC does not stand alone in the matter of pay and pensions. These are negotiated centrally for all of the Home Department police forces in the United Kingdom, through the Police Negotiating Board. And, of course, members of other forces are also killed and injured on and off duty and also die prematurely from suicide and natural causes. The benefits available to them are similar to those available to members of the RUC. These arrangements have stood the RUC in good stead over the years and are not to be disturbed lightly.

23. Overall I have found the question of scope to be the most difficult element in this Review but in the end I have come reluctantly to the conclusion that the Fund should be limited in its coverage to deaths and injuries caused directly by terrorist violence. It is the scale of this in Northern Ireland which distinguishes the RUC from other UK forces and which clearly points to the need for special consideration. I so recommend.

24. It will be small consolation to those directly concerned that the advent of a Fund covering deaths and injuries arising directly from terrorist violence would release moneys from the Benevolent Fund for wider purposes.

### **Families of Murdered Officers**

25. There is one theme on which everyone to whom I have spoken is agreed - the financial situation of the widows of RUC officers murdered prior to 25 November 1982 requires urgent action.

26. The widows themselves have put their case to me compellingly as can be seen from the following quotations from a submission I received from the Forgotten Families group:-

"The financial problems of the pre-1982 widows have already been identified at an earlier stage by the RUC Benevolent Fund in which the case was argued for the augmentation of the financial payments to this group of widows. At that time (February 1997) representation had been made to the Northern Ireland Office but the request was turned down. The Benevolent Fund subsequently put in place an award of an annual grant of £1000 to this group of widows. The source for this grant is a bequest to the Benevolent Fund. It is both disgraceful and deplorable that the widows of officers, killed in the course of defending the community, should have to rely on the generosity of bequests in an attempt to make ends meet. The situation is further worsened in that it is the perception of the community at large that RUC widows are more than adequately provided for in terms of financial provision."

"For many of this group of widows their financial plight has meant that they had to go out to work. The situation for working women has changed over the last twenty years but many of these women, prior to their husbands being killed, were at home looking after their families, while their husbands were the breadwinners. This group is now approaching retirement age and many have no idea how they will begin to cope without the additional money they have been earning. Most will not be in receipt of any occupational pension and for them the situation is extremely serious and worrying."

"All of the widows and their families have been through traumatic situations. Nothing can ever in any way compensate for the loss of a husband, a father, a son or a brother. We have lost the love and companionship of our husbands. The loving touch, the reassurance and the laughter can no longer be shared with those who have been killed in the prime of their lives. We, the families, who have been left to sorrow over the years are now demanding parity in the financial provision that should be ours by right. We as a group are not asking for sympathy or even understanding, just the chance to live our lives as we would have done had not terrorists taken the lives of our husbands."

27. This situation has been brought about by a combination of factors. Changes in police pension arrangements in 1982 saw a rise in the lump sum payable from twice the average pensionable pay of a constable in the Metropolitan Police to a sum equivalent to at least five times the deceased RUC officer's pensionable pay. At the same time police pay has risen very significantly over the years thereby affecting the relative values of both the lump sum payable and the amount of the RUC widows' pension. The pensions awarded are of course increased annually but only in line with inflation. The Table at Annex 4 sets the changes out in more detail and the Graph at Annex 5 illustrates the point about the annual percentage rises in police pay in comparison with pensions. In addition, it seems clear that many early out of court settlements of compensation were not as generous as they might have been. They certainly did not provide the financial security that might have been expected.

28. The effect of the lump sum and pay changes can be illustrated by a comparison between the situation of the widows of two constables, one killed in the early days of the Troubles and one more recently. In the former case the widow received a gratuity of £2620 and a pension which has since risen to £1,907 annually. In the later instance the gratuity was £131,930 and the pension currently payable is £11,629. In the former case a further lump sum of £9000 was received by way of compensation and in the latter £17,500 in respect of discretionary compensation and bereavement awards.

29. What to do? The RUC Widows' Association suggested to me that early pensions should be uplifted to present day values. The Forgotten Families representatives on the other hand suggests that there should be an equal lump sum payment (tax free) to each family rather than payment on an individual basis. They further suggested that this lump sum should take account of the actuarial figure, based on the difference of the gratuities payable before and after November 1982, as measured by the RPI and also if the sum (based on the difference of the gratuities payable before and after 1982) had been invested from 1982 until now. Both groups were strongly against any suggestion of means-testing.

30. I am afraid I regard neither of these suggestions as realistic in terms of this Review. Certainly what amounts to an inequity has developed because of the changes which I have described. The same circumstances apply to police widows elsewhere in the United Kingdom and indeed may apply in some degree to other groups of non-police pensioners. As I judge the situation, the Government is most unlikely, to say the least, to agree in effect to a retrospective change in pay and conditions. Even for such a small and deserving group as the widows of murdered RUC officers it is difficult to imagine UK policy in such matters being set aside.

31. What I am aiming for is a realistic package of proposals which do not attempt to re-write history but which nevertheless serve to demonstrate the State's concern for this special group. It would do them no good if I came up with ideas which went beyond this and which consequently were rejected by Government. This is a judgement which I have found very difficult, but one I am bound to make.

32. I recommend first of all that as a token of the State's concern each of the pre 25 November 1982 widows in question should receive from the Fund when it is set up a lump sum based on £1000 per each year, or part-year, of widowhood up to the date of the setting up of the Fund. I further recommend that widows who have re-married should also receive a lump sum calculated in the same way up to the date of remarriage. This does not come near what the widows are seeking but will in effect provide an element of the financial security they might have had if circumstances had been different. The Fund should make available expert financial advice to those who wish to have it.

33. I recommend also that the Fund should assume responsibility for the £1000 (not means-tested) which the RUC Benevolent Fund currently pays annually to each widow.

34. Beyond that, I recommend that the Fund should make regular payments to widows to ensure that they have a reasonable standard of living. In other words - these payments should be on the basis of means-testing, taking in all their circumstances. I recommend also that post-1982 spouses of murdered officers should also receive assistance from the Fund if their circumstances merit it. I make no recommendation on the question of payment to non-married partners but this is a subject which the Fund might wish to examine in detail.

35. The question of means-testing is very emotive and it is clear that many widows have held back from approaching the RUC Benevolent Fund, the Police Dependents Trust and the Northern Ireland Memorial Fund, from which limited assistance may be obtained, because the means-testing process constituted an assault on their pride. It felt like seeking charity. I believe that this need not be so and I recommend that the Fund should actively seek out cases of need and using specially trained staff make a rounded assessment of individual circumstances. It should not be necessary to apply although individuals may of course do so. The aim as I have said should be to bring individuals and families up to a reasonable standard of living.

36. The Fund will want to keep in close touch with the widows, especially as they grow older and may require special help.

### **Disabled Officers and their Families**

37. The financial problems faced by seriously injured RUC officers who retired as a result of their injuries are in some ways similar to the problems faced by widows - inadequate out-of-court compensation settlements in the early days of the troubles and injury pensions gradually eroded as they failed to keep pace with earnings. Disabled former officers to whom I spoke pointed out that while widows had their own grief to bear, they were able to move on and make a future for themselves and their families. Severely disabled officers and their families had to carry the pain and distress into the future and in some cases the families had to live with the deteriorating health of their loved ones over many years. Many wives had to give up full-time employment which compounded an already dramatic impact on family circumstances.

38. The Disabled Police Officers' Association (DPOA) suggested to me that officers injured in the seventies should have their pensions brought into line with what they would have been getting today so that they did not have to go begging to charitable funds. The DPOA was also concerned that when a disabled officer died a reasonable pension should continue to be paid to the widow. They pointed out that any injury pension being paid to an officer would die with him. They also stressed that because of the ageing profiles of disabled officers it would be important to make any financial help retrospective.

39. I also met a group of serving police officers who had been severely injured as a result of terrorist activity. Understandably they were financially better off than the DPOA members to whom I spoke. Some had been promoted and the compensation payments they had received had tended to last longer. But they still had problems - one had lost a leg as a result of his injuries more than twenty years after the event. Officers re-employed

by the RUC on light duties or as civilians were not able to fulfil their original potential. They were also concerned that the downsizing of the RUC proposed by the Patten Report would put pressure on officers employed on light duties to move to full operational duties or to retire. They added that for the future it would be reassuring to know that there was a Fund to help officers in their declining years.

40. I discussed the question of prostheses with both groups and all agreed that those provided through the National Health Service were not as good as those available in other countries. Both the RUC Benevolent Fund and the DPOA had provided assistance to some disabled officers to go to the United States of America for treatment and to see what was available. I will mention this topic later again when discussing possible roles for the Fund.

41. I began this section of the Report by stating that the financial problems of severely injured RUC officers who were medically retired as a result of their injuries are in some ways similar to those of the widows. It follows that the circumstances of the disabled should be addressed in a broadly similar way to those of the widows. This is easier said than done. In the case of the widows November 1982 was a clear watershed. Spouses widowed after that date were markedly better provided for. Those widowed prior to the cut-off point clearly demanded special consideration. There is no such watershed in the case of the disabled. In addition, the circumstances of the disabled vary widely depending on the degree of disablement. The circumstances of carers also require consideration. I have therefore come to the conclusion that I am not in a position to recommend immediate remedies for the disabled in the way that I have done for widows. I can see no sensible alternative to the Fund looking at each of the 230 or so cases on their individual merits beginning with the earliest. I so recommend and I further recommend that this should be done in a flexible and generous way taking into account the role of family carers. I envisage that this will result in some cases, as with the pre- 1982 widows, in both lump sum and regular payments.

### **Tax Implications**

42. I have consulted the Inland Revenue on the taxation aspects of the above proposals. They advise that funds of this sort can raise difficult and complicated tax questions which can often only be answered when the structure, constitution and powers of the fund are absolutely clear. The tax situation could also depend on the nature of the payments or other benefits which are made to beneficiaries, and also on the circumstances of the individual recipients. The Inland Revenue is willing to work with the Trustees of the Fund to help clarify these issues.

### **Role of a New Police Fund**

43. It will already be clear that I endorse the need for a new Police Fund on the lines envisaged by the Patten Report. I recommend that its role should extend widely to cover all aspects of the care of police officers in Northern Ireland and their families who have been directly affected by terrorist violence. For the avoidance of any possible doubt, I recommend that this should extend to police officers in the future, if, sadly, this is necessary. I suggest that the Fund should use "Northern Ireland Police Fund" as its title.

44. It will of course be for the Fund itself to interpret its role in practice, although I have made a number of recommendations which I hope will be carried into effect. It would, for example, be open to the Fund to return to the question of death rates which I raised in paragraph 21.

45. In addition to earlier recommendations I recommend that the Fund's role should also cover the following activities:

- assistance with the procurement of better prostheses or household equipment for the disabled;
- bursaries for widows and disabled officers who wish to study;
- assistance with the education of children of widows and disabled officers; and
- the sponsorship of research into relevant topics such as post traumatic stress disorder, pain management and prostheses.

46. In addition, I recommend that the Fund should exercise a general co-ordinating role, working with other groups operating in its field specifically to avoid overlap or duplication, and that where appropriate it should provide financial assistance for their activities. The

following should be included:

- the Police Rehabilitation and Retraining Trust (insofar as it deals with the victims of terrorist violence); -
- the RUC Widows' Association;
- the Forgotten Families group;
- the Disabled Police Officers' Association; and
- the Retired Police Officers' Association.

47. I recommend that the Fund should consider stimulating the formation of an association for the parents of murdered police officers and if set up should assist it with funding. This group of people have also suffered grievously and might benefit from some degree of mutual support.

48. The RUC Benevolent Fund has played an important role over the years and co-ordination of its activities with those of the Fund will be particularly important. I recommend that it should be open to the Fund to assist the Benevolent Fund financially if that becomes necessary as its income falls because of the fall in police numbers.

49. I have also considered the need for the establishment of a recuperation and respite home in Northern Ireland with a role similar to those used by the RUC at Harrogate and Auchterarder. However, having visited Harrogate and having listened to those who feel that recuperation and respite is more effective because it is away from Northern Ireland, I have decided not to make a recommendation. I do, nevertheless, recommend that the Fund should keep this under review. In the meantime, I recommend that the Fund should finance visits to Harrogate and Auchterarder by officers injured by terrorist violence.

50. To enable the Fund to carry out its role effectively I recommend that an early priority should be the establishment of an automated database covering the widows and disabled and their families. At present RUC Welfare Branch maintain a manual record.

#### **Administration of the Fund**

51. I have considered whether the Fund could be administered by an existing organisation, such as the Benevolent Fund, but have come to the conclusion that, initially at least, this is not desirable. I recommend that the Fund should be administered by a small group of Trustees appointed by the Secretary of State. I envisage that the Chairperson should be someone of standing in Northern Ireland, possibly with business experience. Other members might include an accountant, possibly also with business experience, and a consultant physician. From the RUC (Police Service of Northern Ireland) I suggest the Chief Constable, or another officer of ACPO rank and a representative of the staff association. Suitable offices should be provided, located so as to be convenient for those beneficiaries of the Fund who will have occasion to visit. The Trustees should not be paid but should receive expenses.

52. The staffing of the Fund will in the end be a matter for the Trustees in the light of experience but initially civil servants might be seconded to get things moving. I suggest the initial staffing should be an experienced civil servant at Grade 7 level supported by an office manager with IT experience and clerical and secretarial support.

53. In addition, particularly in the early days, a number of specially trained staff will be required to make contact with disabled officers and widows and their families to help determine the level of support which will be required. This could be done by adding appropriate staff to RUC Welfare Branch, by seconding civil servants or by the Fund employing its own staff.

54. I do not underestimate the difficulties inherent in this. Quick action will be essential both to deal with the problems of possible beneficiaries and to prevent disillusionment. A Chairman capable of driving matters forward and developing the Fund's role quickly will be essential, as will able and energetic Trustees and staff.

#### **Funding**

55. The Patten Commission recommended simply that the Fund should be substantial. I have interpreted this to mean that it should be sufficiently large to enable the Trustees to be flexible and generous in their approach to their task. They should be in a position to make a real difference to the lives of the widows and the disabled and their families.

56. Except in the case of the non-means-tested payments to the 76 pre-1982 widows, which would cost almost £2 million in the first year, it is not possible to make an accurate financial assessment in advance. The means-tested elements in the package of

proposals will depend on assessments in individual cases and on the views of the Trustees. Similarly, expenditure on research, bursaries, prostheses etc would depend on demand and on the way in which the Trustees develop the Fund's role.

57. Nevertheless, I have attempted a reasonable estimation of what would be required. I recommend a sum of £6 million in the first year and £2.5 million in each of the two succeeding years. I have, however, decided not to set out in this report the estimates on which these figures are based. To do so could raise the expectations of individuals and might hamper the Trustees' flexibility. I also recommend that it should be possible to carry any unexpended balance forward at the end of the first and second years. Beyond that it would be a matter of negotiation between the Trustees and the Government to decide how much is required. This would also have the effect of picking up any unexpended balance at the end of year three. I believe that three years should be sufficient for the Fund to prove its value and settle its procedures. I recommend that the Trustees should report annually to the Secretary of State with audited accounts.

### **Conclusion**

58. Like most people in Northern Ireland I have listened over the years to news reports of terrorist outrages with a mixture of anger at the perpetrators and pity for the victims. These feelings were heightened by my attendance, representing the Secretary of State, at many funerals of murdered RUC officers. But I confess I never thought too deeply about the situation of the widows and the disabled and their families. I suppose I assumed that at least they would be well looked after under the normal pension and compensation arrangements. This Review has therefore been chastening.

59. It has been very difficult to arrive at sensible conclusions in line with my terms of reference. I guess that no one directly concerned will be fully satisfied with my proposals. I hope nevertheless that the Fund will in practice make a real difference to the groups of people which the Patten Commission identified as deserving particularly well of the State.

60. I have been assisted throughout the Review by Mr David Kyle of the Northern Ireland Office. He made contacts and organised meetings; sought out documents and information; and both came up with ideas and challenged my own thoughts freely. He could not have been more energetic and helpful and I commend him to the Secretary of State. I should add, of course, that responsibility for the conclusions and recommendations in this Report is entirely mine.

## **SUMMARY OF REVIEW RECOMMENDATIONS**

61. The following is a list of the recommendations in this report:

### **Scope of a Police Fund**

1. The Fund should be limited in its coverage to deaths and injuries to police officers caused directly by terrorist violence (para 23).

### **Families of Murdered Officers**

2. Each of the widows pre 25 November 1982 should receive from the Fund a lump sum based on £1000 for each year, or part year, of widowhood up to the date of the setting up of the Fund (para 32).

3. Widows who have re-married should also receive a lump sum calculated in the same way up to the date of re-marriage (para 32).

4. The Fund should assume responsibility for the £1000 (not means-tested) which the RUC Benevolent Fund currently pays annually to each widow (para 33).

5. The Fund should make regular payments to widows to ensure that they have a reasonable standard of living (para. 34).

6. The post-1982 spouses of murdered officers should also receive assistance from the Fund if their circumstances merit it (para.34).

7. The Fund should actively seek out cases of need and using specially trained staff make a rounded assessment of the individuals circumstances (para 35).

### **Disabled Officers and their Families**

8. The Fund should look at each case on its individual merits beginning with the earliest (para 4 1).

9. Consideration of help to disabled officers and their families should be done in a flexible and generous way taking into account the role of family carers (para 4 1).

### **Role of a Police Fund**

10. The Fund's role should extend widely to cover all aspects of the care of police officers in Northern Ireland, and their families, who have been directly affected by terrorist violence (para 43).

11. The Fund's role should extend to police officers directly affected by terrorist violence in the future.

12. The Fund's role should also cover assistance with the procurement of better prostheses or household equipment for the disabled; bursaries for widows and disabled officers who wish to study; the education of children of widows and disabled officers; and the sponsorship of research into relevant topics such as post traumatic stress disorder, pain management and prostheses (para 45).

13. The Fund should exercise a general co-ordinating role, working with other groups operating in its field and where appropriate it should provide financial assistance for their activities (para 46).

14. The Fund should consider stimulating the formation of an association for the parents of murdered police officers and if set up should assist it with funding (para 47).

15. It should be open to the Fund to assist the Benevolent Fund financially if that becomes necessary as its income falls because of the fall in police numbers (para 48).

16. The Fund should keep under review the need for the establishment of a police convalescent home in Northern Ireland (para 49).

17. The Fund should finance visits to the Harrogate and Auchterarder convalescent homes for officers injured by terrorist violence (para 49).

18. An early priority should be the establishment of an automated database covering the widows and disabled and their families (para 50).

### **Administration of Fund**

19. The Fund should be administered by a small group of Trustees appointed by the Secretary of State (para 5 1).

### **Funding**

20. Finance for the Fund should be a sum of £6m in the first year and £2.5m in each of two succeeding years (para 57).

21. The Fund should be able to carry any unexpended balance forward at the end of the first and second years (para 57).

22. The Trustees should report annually to the Secretary of State (para 57).

## **ANNEX 1**

### **EXTRACT FROM REPORT OF INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND (PATTEN REPORT)**

#### **Disabled Officers**

20. During the course of our work we met many police officers who had been disabled as a result of terrorist attacks. We do not believe that these officers have been treated as well as they should have been by the police service or by the welfare services. Criminal injury claims in the early years of the present Troubles were settled for derisory sums of money. Inadequate attention has been given to the physical pain that many of the injured continue to suffer for years afterwards. We were also dismayed to see the low quality of the prostheses supplied to amputees, some of whom have gone to considerable personal expense to buy more advanced and better finished prostheses. We welcome the fact that consideration is at last being given to the establishment of a pain clinic and we hope that this will soon come into being. We also recommend that a substantial fund be set up to help injured police officers, injured retired officers and their families, as well as police widows (see below). The fund could supplement the income of those on very low pensions, help finance the procurement of better prostheses or household equipment for the disabled, and make grants to universities for research or for bursaries for disabled officers who wish to study.

#### **Widows**

21. We also met many RUC widows who felt that more could be done to help them. Again, the financial packages awarded in the early years of the Troubles were very small, and some of those widowed at that time are now living in penury. We were surprised that the RUC Widows Association, unlike the Disabled Police Officers Association, is not supplied with premises by the police and that the widows who run the Association do so from their own homes, using their own telephones. We recommend that the Widows Association be given an office in police premises, free of charge, and a regular source of finance adequate to run their organisation. The fund recommended in the preceding paragraph should also be used to support widows in financially straitened circumstances.

## ANNEX2 (A)

### The RUC's forgotten widows

Maureen's story By Gail walker I hadn't committed any crime yet I had to get into a witness box and be cross-examined about the most personal aspects of my life A SMALL ageing car sits outside the neat semi that Maureen\* scrimped and saved to buy off the Housing Executive. The scene does not fit the popular perception of how RUC widows are cared for following tragedy in the line of duty.

Yet this is home to the Catholic mother-of-five, home to a continuing heartache now made worse by a sense of feeling hard done by, forgotten about.

"Why should a lesser value be placed on the life of a good man murdered in the 70s, as opposed to one murdered in the 80s or 90s?" she demands.

There is no reasonable answer - except, of course, that such distinctions should never be made.

It is 25 years since her sergeant husband and a constable were murdered after being lured to an isolated country house following a bogus call made to unsuspecting Garda officers.

But, she says, this is the same house where she was that winter's night when they broke the news. Here, in this kitchen, is where she was playing with the baby who was teething and would not sleep. There is the front-door they rapped just after 10pm.

"I opened it and another sergeant and his wife were standing there. I thought they had come to visit me because they knew my husband was working until midnight," she remembers.

"Then the sergeant's wife put her hand to her face. I thought that something had happened to her mother. Then I saw the priest and the doctor standing behind them.

"Nobody had to tell me...I just knew." About the same time, her eldest son's world was also disintegrating. Travelling in a friend's father's car, on their way back from a judo class, they had pulled over alongside a shop when a post office van drew alongside.

"Have you heard the news tonight?" shouted the driver, going on to name the two local policemen who had been shot dead, oblivious that one of their son's was listening with horror.

"He came home sobbing his heart out," recalls Maureen, her face aghast at the memory.

"I heard the cries of him when he reached the front gate. He was only 12." Faced with the daunting prospect of a young family to bring up single-handedly, Maureen was understandably anxious about what financial help she would get.

In the event she received a police pension plus £14,000. Of that £7,500 was compensation awarded after a court hearing. Maureen was given £4,000, her three eldest children, £500 each, and her two youngest, £1000 each.

The remainder was made up with a sum from a police insurance scheme, 13 weeks of her husband's pay and his funeral expenses.

Going to court was, she says, nerve-wracking, humiliating and insulting.

"I remember they made a big deal that occasionally I had paid a handyman to do little jobs around the house.

"The judge said 'I see you have a son of 12, he should be able to help out instead.' "It was my first experience of a court but I realised quickly then that courts are about the law, they are not about justice." Every day became, she says, a struggle to make ends meet.

As security for her young family, she set about buying her home, which swallowed up some of the lump sum.

The pension was a help but it did not, in any way, reflect the cost of living, then or now.

"Today I get £515 a month. That works out at £6,170 a year. In addition I get £67 a week industrial injuries death benefit.

"I was getting much less in the 70s and 80s, yet that's what I had to rear my five growing children on.

"I also got a small weekly allowance for them. But to give you an idea of how small it was,

a few years back as my youngest was nearing 18, it was worth just £25 a week. How far would that go?" The RUC Benevolent Fund, painfully aware of the dire straits many early widows found themselves in, began to make a lump sum payment of £1,000 at Christmas every year.

But there were still many occasions when Maureen found herself virtually penniless. At those times she was able to appeal for extra cash to the Police Dependents Trust, which had been set up by the late Billy Butlin.

The money was deeply appreciated but Maureen couldn't help but resent the fact that she had to be means-tested before any handout.

"You had to keep every grocery bill, every electricity bill, every outgoing....it was dreadful.

"And all the time you can't help thinking that while it's great that bodies like the PDT exists to help you out, there's something very wrong that you have to go begging in the first place - just because your husband was shot by terrorists." Money worries about the future and unassuaged grief proved overwhelming. Maureen entered a bleak period of theological despair. She turned to Valium, then alcohol.

"I didn't care about anything. I missed my husband dreadfully. I could see no way out.

"I felt bitter towards those who had killed my husband. There were endless questions from the children. They'd ask whether God had seen who killed daddy? If so, why did He allow it to happen? Why did Irishmen kill daddy? Was daddy not an Irishman, too? There seemed to be no answers.

"I moved away from God. I resented Him for what had happened." The turning point came one morning when she saw one of the youngsters peering, anxious and frightened, around her bedroom door.

"I had to get my act together and I did. I gave up alcohol. I haven't had a drink for 18 years now, though I don't knock alcohol. It pulled me through. It did the trick.

"I also went back to God and He was there for me." Maureen threw herself back into giving her family the best possible start in life. She even managed to put her children through university - a terrific struggle.

As they were 18, she no longer received a weekly allowance for them so they each had to take jobs to help make ends meet.

Yet their efforts were handsomely rewarded. Today all hold down jobs in the professions. And, in their own way, as each turned 18, they acknowledged the sacrifices their mother had made by signing over the compensation money they had been awarded all those years ago. "Not one of them touched a cold penny of it," she says proudly.

Upstairs in the attic sits her husband's wooden police box. Inside it are his police cap and the tin helmet officers were issued with when they joined up in the 60s. There are also newspaper cuttings about his murder.

"There are no clippings about the trial of those convicted for killing him because nobody was," Maureen says, falling silent for a moment.

"You know," she resumes, "for a long time I thought I might like to kill those who killed my husband. I thought I was capable of that. But I'm not. Whatever terrorists have in them. I don't have it in me, thank God.

"To be truthful I feel more pity for them now. That's not to say I'd show them compassion - I know the difference between pity and compassion.

"But to have that amount of evil in you that you would take somebody's life, I'd never want to be like that.

"At least I can confidently say that my husband and the colleague murdered with him that night went to see God without blood on their hands." The spur to launch the early widows campaign for more money was the presentation of the George Cross to the force earlier this year. Maureen and other widowed friends weren't invited to the ceremony, and felt slighted.

"We'd sore hearts. We made up our minds that it would be the last time we'd be ignored.

"We felt that in terms of money we'd been discriminated against for too long. There's all this talk about parity of esteem and equality of treatment these days. All we are asking for is the same thing.

"If I wanted to change the car I'd need to go out to work. I'm still paying a mortgage. There's nothing extra.

"Yet terrorists seem to get handouts left, right and centre.

"I'd want to stress that this campaign isn't meant to get at those women widowed later in the troubles who got more money.

"Some people call them the Gold Brigade but I hate that kind of talk. Personally I don't begrudge them a penny.

"I just wish that we'd all been treated as well." \*Name has been changed to protect identity of widow due to security fears.

## 'I wonder what Victor would think of how we have been treated,' says Dorothy Arbuckle

By Gail Walker FOR 31 long years Dorothy Arbuckle has politely but firmly turned down all requests for interviews. Until now. More than three decades since her husband Victor earned his sad footnote in history as the first RUC man to be murdered in the Troubles, she is finally breaking her silence. But Dorothy is not finding it easy.

She cancels our meeting twice. She is physically sick with anxiety before we begin. A slightly-built, still attractive brunette of 59, she refuses to be photographed. It is her way of trying to preserve some of that carefully-guarded anonymity, of slipping back into the shadows of the past.

For this will be Dorothy Arbuckle's one and only foray into public eye.

Why is she, at last, reluctantly putting herself through such an obvious ordeal? Because on the 11th October, 1969, on Belfast's Shankill Road, a volley of shots rang out from a loyalist gun and the impact of where one of those bullets lodged, in a young police constable's head, is still reverberating.

Handsome Victor, whose timeless good looks smile out from a black and white photograph proudly displayed on a sideboard, made the ultimate sacrifice yet, scandalously, his widow received not gratitude and care and endless support - but years of financial hardship.

Like scores of other wives of RUC men murdered in the early days of the conflict, whose plight is being highlighted in the Forgotten Families campaign, Dorothy endured a lonely struggle to feed, clothe and educate their son, Clive, just two when his father was killed. Today she has a police pension of a meagre £137 a month. Or £44.25 a week. Despite ailing health, she must continue to work full-time in a local shop. The mortgage on her modest home must be paid, the household bills settled, petrol must be bought for her ageing car.

And Dorothy is tired of feeling insulted, weary of scrimping to make ends meet.

"I wonder what Victor would think of how we have been treated," she says, trembling fingers lighting up a cigarette.

"That's why I am speaking out in support of the Forgotten Families campaign. I want to highlight how we have been left. I want people to know what it has been like for me."

Dorothy Arbuckle, like many women of her generation, never planned on having a job all her life. She wanted to marry, to have a family, to stay at home.

Born in Glenanne, Co Armagh, she met Victor, when he was transferred to the nearby Whitecross police station. They married in 1965, when she was 24 and he was 25, and set up home in Belfast where Victor was attached to the Reserve Force at Tennant Street. Though Victor, born in Donemana, Co Tyrone, was also from the country, the young couple quickly took to city life. Their son arrived two years later. Dorothy happily gave up her office job for full-time motherhood. The Arbuckles had never had it so good.

Then the first sporadic outbreaks of violence began. In August, 1969, Victor was slightly injured in Londonderry. He received a commendation for courageous action in dealing with a hostile crowd.

Yet Dorothy wasn't unduly worried for her husband's safety. "I was a little anxious, but I didn't have the same concern that later wives of policemen must have had.

"Before Victor was murdered, nothing like that had happened to any policeman here in recent history. For me the idea that Victor could be killed was never even a remote possibility...that's why it came as an even greater shock." Jane Birkin and Serge Gainsborough were at number one in the charts with 'Je T'aime', the Charles Manson trial was underway in the States and Dorothy Arbuckle remembers exactly what she was doing that Saturday evening up until they told her that Victor was dead. After that, grief and shock blurred some of the details but she has filled in the blanks by reading old newspapers, looking at photographs, talking to his colleagues.

She was told the shots were aimed low but someone had shouted out 'get down' and that's why Victor got hit in the head. She was comforted to learn that Victor died quickly. She was grateful that a nun was with him as he lay dying on the ground.

Victor and Dorothy lived in Ballygomartin at the top of the Shankill Road. She can see their neat little house yet.

Victor was hoping to nip off duty for a couple of minutes that night to see his wife and son. He never made it.

"Victor rang to say he couldn't call up. He'd been told to go to the Shankill. He said 'Go to bed. I don't know how long I will be.' And those were the last words he said to me," she says quietly.

Press cuttings describe how that night the Shankill was being swept by the worst street fighting in Belfast for 47 years. Troops set up machine gun posts and brought hundreds of

men into the area. A crowd of several thousand was trying to march to the city centre. "CS gas was then fired and the first shots came from the crowd. Constable Arbuckle fell to the ground and two of his colleagues were wounded in the leg," reads a Belfast Telegraph report. Two civilians were also shot dead that night, 66 people were injured and 69 arrested.

"The first I knew something was wrong was when a policeman and a policewoman called at our house shortly after midnight," remembers Dorothy. "I know now that they were trying to tell me Victor was dead but it wasn't going into my head.

"Then my brother-in-law rang me. He told me to get Clive ready. He collected me but with the trouble we could not go down the Shankill Road, so he drove down the West Circular Road.

"I said 'What way are you going? We will never get to the Royal Victoria Hospital to see Victor this way.' I thought he was injured. He drove on and I screeched at him 'Why aren't you taking me to the Royal?' He had to physically shake me to calm me down. He said 'Dorothy, Victor is dead.' That's when I realised...

"I can't remember much about the next few days. Back then the doctors pumped Valium into you. I hoped it was a dream, that I would wake up. I remember bits of the funeral. I don't remember going to the graveyard, though I know that I did. A friend took slides of the burial and I've looked at those a thousand times. It's hard to know now what I remember and what I am picking up from the photographs..." With a toddler to care for, Dorothy had to rebuild her life. The following year she attended her husband's murder trial. She was surprised to feel so dispassionate when she glanced across the courtroom in the old Crumlin Road courthouse at the three men in the dock, charged with killing Victor Arbuckle.

"My husband was gone. He was only 29. I realised that whatever happened to these men would not change that," she says.

As it happened, the trio were acquitted but jailed a week later on firearm offences. Dorothy received £9,000 compensation and Clive £5,000 in an out-of-court settlement. Such was the public outcry at Victor's murder a fund was launched for the pair by the then Prime Minister's wife, Mrs Chichester-Clark. It raised more than £7,500.

"It all seemed a lot of money at the time but in reality it didn't go far," says Dorothy.

"I've never had a day when I haven't had to watch what I spend." Understandably she wanted to move from the area. A new home had to be found.

Accessing money from the Fund proved difficult and degrading. "They would say to me that if I desperately needed something I could have some money. I used to get the interest which wasn't much.

"Then about two and a half years ago, after a lot of effort, I finally persuaded them to give me what was left. There was about £4,000. I don't think it had been invested properly so I probably lost out there too." What really galled Dorothy was when changes in the law saw those police wives widowed after 1982 get their mortgages paid off, along with lump sums, often greater than £100,000.

"I don't begrudge those women their money at all. I just think we should have been treated similarly. Why is Victor's life worth less than someone killed a few years later? That is wrong." Dorothy Arbuckle saw Clive get a university education. He is now settled permanently in Scotland.

She never remarried and lives alone.

"I often think how much different things would have been if Victor had not died. He might have risen through the force. Whatever, we would have been comfortably off now. I wouldn't still be working.

"I do still miss him. Of course I do. He was great fun. He loved life. He loved being a father. I sometimes wish he could come back, just for a day, to see how it all worked out, how Clive grew up." For a long time the name 'Arbuckle' had a certain resonance. It was another milestone.

Dorothy remembers when she would give her name to strangers in shops or restaurants. "Mrs Arbuckle" she would say and they would fall quiet and look at her.

"Then someone would say 'Are you who I think you are?' and I'd say 'Yes'. But that doesn't happen anymore. That generation is dwindling away...people move on...and that's a good thing." She clears her throat, sits up straight, evidently glad to have the interview over.

"For years reporters would ring me up. The last big fuss was when Victor had been dead for 25 years.

"I've never wanted to be in the public eye. I resent the fact that I feel I have to do this now. I shouldn't be put through this to get what I deserve, to be treated decently. But anyway, there you are. That's what happened to Dorothy Arbuckle. That's my story. If it helps the case for better, fairer treatment of the early widows, then well and good. Use it. "

The campaign to get support

DOROTHY Arbuckle is the best-known name to add her support to the Forgotten Families campaign. It is fighting to win extra money for RUC widows who have been left poverty-stricken because their husbands fell in the line of duty in the early days of the Troubles. Some are forced to eke out a living on police pensions of just £2,000. Yet, shockingly, changes in 1982 in the rules governing lump sum payouts and pensions mean those police wives and children widowed after that date often received well over £100,000 more. The 'Forgotten Families' campaigners stress they do not begrudge later widows a penny of what they received - they want to be treated with similar compassion. Since the Belfast Telegraph first highlighted their plight, they have been inundated with support. More than 50 'early widows' will attend an inaugural committee meeting next month. Their case is being fought by MPs and peers at Westminster.

Lord Laird has served notice to the government whip's office that he intends to pursue the issue of ill-treatment of police widows at every opportunity, including every stage of the Police Bill. "It is an immoral and unfeeling society that rewards with a miserable pittance its police widows whose husbands have paid the supreme price protecting us from murderers," he said today. "We must all now pay our debts - no words, no promises and no post-dated cheques will do." He has put down a series of questions for written answer in the Lords. They include: -To ask why did those widows of RUC officers killed before 1982 not have their pensions upgraded to the enhanced level of those widowed after that date.

-To ask the government if it considers that paying RUC widows a pension of less than £150 a month is in keeping with the spirit sought in the Belfast Agreement.

-To ask whether the government considers that having a two tier system of pension provision for RUC widows is in keeping with the Belfast Agreement when it calls for parity of esteem.

### ANNEX 3

#### ROYAL ULSTER CONSTABULARY BENEVOLENT FUND

##### FIVE YEAR STATISTICAL SUMMARY

<b>INCOME</b>	1999	1998	1997	1996	1995
	£'000	£'000	£'000	£'000	£'000
Investment Income	127	109	132	106	93
Public Donations	231	154	149	109	119
Members' Contributions	1,134	1,094	1,056	1,028	996
<b>Total</b>	<b>1,492</b>	<b>1,357</b>	<b>1,337</b>	<b>1,243</b>	<b>1,208</b>

<b>EXPENDITURE</b>	1999	1998	1997	1996	1995
	£'000	£'000	£'000	£'000	£'000
Christmas Hampers & Gifts	6	7	7	7	37
Apartments	45	42	43	13	0

Staff Costs	52	49	46	48	42
Other Costs	47	32	51	54	33
Caravans, Holidays, etc.	107	109	121	173	204
Awards & Donations	485	433	397	314	231
Convalescent Homes	448	439	423	373	326
Total	1,190	1,111	1,088	982	873