



FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

FOI Reference number: 22/2020

Date: 12 August 2022

Request:

IOD Scheme Working Group

I note from the minutes of 7 May 2020 (NIPB website) that the above group is now in place

I now request the following information

1. Membership of this group, including Chair, Members and Staff (names please)

Response

Membership of this group originally consisted of Mr Colm McKenna (Chair), Dr Tom Frawley, Professor Brice Dickson, Mr Trevor Clarke and Mr Seán Lynch. As the IOD Scheme Working Group has not convened since 5 March 2020, membership has not been updated to reflect those Board Members who have subsequently left the Board as a body corporate.

2. Terms of Reference.

3. Copy of reports of meetings held on 26.2.20 and 5.3.20 plus copy of minutes of both meetings.

Response re Questions 2 and 3

The Northern Ireland Policing Board (the Board) has identified information falling within the scope of your questions. This information is exempt from release as the exemption at Section 36 (Prejudice to Effective Conduct of Public Affairs) of the Freedom of Information Act is engaged.

The specific sub sections being relied on are Section 36 (2) (b) (i) and (ii), and Section 36 (2) (c).

Section 36 (2) (b) states –

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

Would, or would be likely to inhibit –

- (i) The free and frank provision of advice, or

(ii) The free and frank exchange of views for the purposes of deliberation.

Section 36 (2) (c) states –

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

‘would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.’

The information, within the scope of your request, has been shown to the ‘Qualified Person’ who for the Board is the Chief Executive. The ‘Qualified Person’s’ opinion is that the exemptions at Section 36 (2) (b) (i) and (ii) and Section 36 (2) (c) are engaged.

As this exemption is a qualified exemption the Board has gone on to carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Having conducted the public interest test it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time. A copy of the public interest test is attached at Annex A.

4. What consultation has taken place or will take place with outside interested, groups?

Response

As at even date no consultation has taken place and/or is scheduled to take place.

5. If [REDACTED] is not included. Why not?

Response

Please see response to Question 4 (above).

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board’s Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

You should contact the Board within 40 working days of this response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

FOI 22/2020 Section 36 Exemption “Effective Conduct of Public Affairs”

Public Interest Test

The above exemption is a qualified exemption, and a Public Interest Test must be carried out to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Information requested by the applicant

Information held on the Injury on Duty Scheme working group

Arguments in favour of disclosure of the requested information

1. Disclosure of the requested information would be in line with a public authority being open and transparent in how it transacts its business, and would help in promoting accountability.
2. Disclosure would also be within the overall spirit of the Freedom of Information legislation in asking public bodies to be open and transparent.
3. Work undertaken by the Board in respect of the Injury on Duty Award process has prompted media interest in the past and, therefore, it could be argued that there is a public interest in releasing the requested information.
4. The issues surrounding the operation of the Injury on Duty Award process are current and generating debate amongst interested parties. The level of communication received by the Board from individuals, political representatives and stakeholder organisations highlights that the topic is of interest to sections of the community.

Arguments in favour of engaging the exemption and withholding the requested information

1. Withholding disclosure would safeguard openness in all communications internally between Board members as well as between the Board and relevant third parties. This will ensure a full and frank exchange, which in turn is fundamental to the administration of justice.
2. The issues arising from the NIAO report are ‘live’ and are still being actively pursued and considered internally at the Board and by relevant third parties.
3. Release of the requested information at this time would adversely impact upon the current operation of the Board’s Police Pension & Injury Benefits Branch. It is believed that full release of this information would generate an unsustainable increase in the volume of requests for information which would impact on the Board’s ability to focus on the review, and other business.

4. Release of the information at this time could hinder and restrict the ability of officials to have the necessary 'free thinking space' to fully consider the issues surrounding the NIAO report.
5. Release of all information into the wider public arena at this time *could* lead to interested parties amongst the general public and amongst elected representatives to 'lobby' the Board on individual cases, which could also hinder the discussions currently on-going and lead to misrepresentation of issues.
6. The release of this information is of interest to the requestors, and may be of interest to other individuals who have a direct involvement with the Injury on Duty process. However this is not the same as being of interest to the public at large which is what releasing this information under the FOIA is intended to be.

Result

Taking into account all of the deliberations above, it is felt that the public interest in engaging the exemption to withhold the information outweighs the arguments towards disclosure.

As a result, the requested information should not be provided.