



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: FOI 106/2024

Date: 6 February 2025

Request:

POINTS FOR CLARIFICATION IN RESPECT OF FOI 48/2024

Question 1

498 assessments conducted by the SMP from Aug 2020 - May 2024. Were these applicants informed of the new process prior to their appointment with the SMP. If the answer is no could you provide a brief explanation why they were not informed.

Thank you for your link to the Mckee Judgement, I have read the Judgement but can find no reference to the NIPB or the 2006 Injury Benefit Regulations so I am genuinely struggling to understand your answer to [a] so

In layman's terms could you explain how the "principles" of this Judgement applied/apply to the work of the Police Administration Directorate. More importantly could you explain once again in simple layman's terms how this Judgement replaced the statutory obligations conferred on Board Members by the Police Service Of Northern Ireland Injury Benefit Regulations 2006 and /or how this Judgement bestowed additional powers and or obligations on Board Members.

Answer

No, applicants were not informed as it related to internal processes within Police Administration Branch (at the time).

Following the CCNI Judgement the Resources Committee agreed to undertake the Board's responsibilities in relation to Police and Police Pension Regulations and make recommendations to the Board in respect of pension forfeiture cases with the Terms of Reference for the Committee updated to reflect the agreed new decision-making arrangements.

In practice this meant that following the judgement, on a monthly basis, Board Officials brought all Selected Medical Practitioner (**SMP**) and Independent Medical Referee (**IMR**) decisions to Resources Committee for approval.

With regard to reconsiderations, an applicant may request that the matter be returned to the SMP/ IMR for reconsideration and Members may agree to this, where further medical information has been provided or an error identified.

A further judgment in 2023 '*In the matter of an application by Justin Chadwick and Andrew Harvison for Judicial Review and in the matter of decisions by the Northern Ireland Policing*

Board' further clarified that the medical practitioner is the final decision maker regarding the statutory questions contained within the Regulations.

Question 2

Do you now consider this Judgement to have precedence over the 2006 regulations.

Answer

No.

Question 3

Could you also outline the exact differences between how an applicant was processed before August 2020 and subsequently after that date.

Answer

Please see answer to question 1.

Prior to the judgment, Board Officials issued results from the SMP/ IMR upon receipt of same and cases were approved retrospectively, on a quarterly basis, by Resources Committee.

Question 4

Is the process that was introduced in August 2020 still being used today.

Answer

Yes

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 contact the Board's Chief Executive -

Via Email: foi@nipolicingboard.org.uk

Or in writing at the following address:

Northern Ireland Policing Board
James House
Block D
2 – 4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

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. You should make complaints to the ICO within six weeks of receiving the outcome of an internal review.

The Information Commissioner can be contacted at the following web link –

www.ico.org.uk/foicomplaints

or in writing 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.