



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: FOI 35/2025

Date: 17 November 2025

Request.

RE Policing Board minutes dated Wednesday the 6th November 2019 @ 8.2 Police Administration Branch - Key Issues.

1. Could I please have a copy of the paper that was presented by Board Officials which summarised the key issues that had been discussed during the Police Administration briefing held on the 9th October 2019 including the various challenges and risks that had been identified.
2. Could I please be supplied with all information pertaining to the working group referred to that was being established to review the then current IOD scheme.
3. Please provide me with a copy of the draft terms of reference for this working group and the identity of the members involved.
4. Please provide all information relating to this working group to include Dates, Times and Minutes of all meeting held and who attended.

Answer:

1. Please find attached (Annex A) a copy of the paper titled 'Out-workings from the briefing to the Board on the work of Police Administration Branch (held on 9 October 2019)' dated 6 & 7 November 2019. The redacted portions under Appendix A are considered to be exempt from release as the exemption at Section 40 (2) Personal Data of the Freedom of Information Act 2000 is engaged. This personal data is exempt from disclosure as, in our view, it would be unfair to provide it to you, and therefore disclosure would be in contravention of the first principle of the UK General Data Protection Regulation. This is an absolute exemption and there is no requirement to conduct a public interest test.
2. Please find attached (Annex B) a copy of each of the Working Group meetings minutes, Chair's notes to the Board and an agenda. The redacted portions of bullet points under Paragraph 6 of the minutes and Chair's note dated 5 March 2025 are considered to be exempt from release as the exemption at Section 42 (1) Legal Professional Privilege of the Freedom of Information Act 2000 is engaged. Specifically, the redacted information is considered to attract 'Advice Privilege'.

Section 42 of the Act is a qualified exemption and as such has been subject to a 'Public Interest Test' a copy of which is attached. In all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

3. The draft Terms of Reference are enclosed under Appendix B of the paper enclosed under question one. The identity of the members involved are disclosed under the papers provided under question two.
4. Please see response to question two.

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.

ANNEX A

NORTHERN IRELAND POLICING BOARD	
MEETING DATE: 6 AND 7 NOVEMBER 2019	
Paper Title:	Out-workings from the briefing to the Board on the work of Police Administration Branch (held on 9 October 2019).
Agenda Ref No:	8.2
Lead Official:	Aislinn McGuckin
Purpose of Paper:	To discuss the out-workings from the briefing to the Board on the work of Police Administration Branch on 9 October 2019 and to agree the establishment of a working-group tasked with reviewing the current Injury Benefit awards process/scheme.
Considerations:	(i) Resources – should a working group be established Board Resources will be expended on running/facilitating this group. (ii) Equality – There may be equality implications arising from any future changes to the Injury Benefit award scheme. (iii) Publication Status of paper – this paper is disclosable under Freedom of Information. There are no immediate media issues. (iv) Related Corporate Plan/Business Plan measure – 1.2.14
Action Required by the Board / Committee:	It is recommended that the Board permit the establishment of a working-group to review the current Injury Benefit Award Scheme and to determine what (if any) improvements and adjustments should and can be made to the current process.

1. BACKGROUND

- 1.1 Board Members received a briefing on the work of Police Administration Branch on Wednesday 9 October 2019.
- 1.2 This briefing focused predominantly on the Board's role in administering the Injury on Duty award scheme in which disablement awards are made to serving and retired officers. Other awards and benefits were also discussed at this briefing, to include Ill Health Retirement and Deferred Pensions.
- 1.3 The main points of discussion together with preliminary exposition and an anonymised case study are contained within a PowerPoint presentation attached at **APPENDIX A**.
- 1.4 This presentation was delivered to Members by Aislinn McGuckin, Head of Police Administration Branch. Questions were taken from Members during and after the presentation.

2. ISSUES RAISED

- 2.1 Various challenges and risks were identified and discussed throughout the briefing on 9 October 2019.
- 2.2 The challenges and risks identified ranged from day-to-day operational difficulties experienced by Police Administration Branch (**PAB**) officials to high-level issues including complex legislation and the disparate interests of various key stakeholders.
- 2.3 Members discussed the Board's multifaceted role as Scheme Manager and noted the inherent risk in retaining overall responsibility for the actions of both the PSNI (as Scheme Administrator) and the Department of Justice (**DoJ**) (as the Department overseeing all appeals under the Scheme). Board Members acknowledged that this scheme sits outside the ordinary oversight responsibilities of the Board. It was noted that the same functions were undertaken in-house, by the various police constabularies in Scotland and England & Wales.
- 2.4 Members discussed, inter alia, the impact of GDPR, the development of a case management system, the cost implications of the scheme, how the scheme compared to other jurisdictions and the nature and frequency of complaints both to the Board as well as to the Pensions Ombudsman and other oversight bodies.

- 2.5 Members also discussed at length the role of the Selected Medical Practitioners (**SMP**) and Independent Medical Referees (**IMR**) in the Injury on Duty award process. Members expressed concern about various ongoing issues relating to the separate IMR process, being the appeal process overseen by the DoJ.
- 2.6 Members discussed the 'Schofield Review' and the various recommendations made therein. Members recognised that the Board had implemented all recommendations insofar as it was able to and that the DoJ retains responsibility for the outstanding recommendations. These outstanding recommendations relate to legislative change of which the DoJ will be the main driver.
- 2.7 Discussions took place on the various cost implications for both the Board in administering the scheme as well as for PSNI in the payment of awards made under the scheme. Examples of same are found in the attached presentation at **APPENDIX A**.

3. ACTION REQUIRED

- 3.1 In light of the issues raised on 9 October 2019 Members agreed that consideration should be given to both the short and long-term future of the Injury Benefit Award Scheme.
- 3.2 Members were also informed that a report by the Northern Ireland Audit Office (**NIAO**) is pending and due for release within the coming weeks. This report was prepared following a review of the Injury Benefit schemes for both the police and prison services. It is anticipated that this report will identify many of the same issues discussed on 9 October 2019. Potential recommendations may also be included within this report however this will become clear when same is published.
- 3.3 In light of the above, Members determined that the current Scheme appears "*unfit for purpose*" and that the various outstanding challenges and issues may result in reputational and/or financial harm to the Board and the PSNI.
- 3.4 Members therefore agreed that it would be prudent to establish a working group to discuss these issues in more detail and to agree a forward programme of work.
- 3.5 Members also discussed the possibility of involving other stakeholders in this process and potential membership of this working group might also include colleagues in PSNI and the DoJ. It is likely that the working group would also be required to liaise with other key stakeholders to include scheme members and their representatives.

- 3.6 It is therefore recommended that the Board permit the establishment of a working group to review the current Injury Benefit Award Scheme and to determine what (if any) improvements and adjustments should and can be made to the current process. A copy of draft Terms of Reference for this working group has been appended for Members' consideration and amendments at **APPENDIX B**.
- 3.7 Members also suggested corresponding with Peter May in the first instance to outline some of the issues/concerns raised on 9 October 2019 and to seek his support to work with the Board in addressing the issues. A copy of a draft letter to Peter May has been appended at **ANNEX C** in this respect for Members' consideration.

POLICE ADMINISTRATION BRANCH

NOVEMBER 2019

APPENDIX A



Briefing for Board Members on the work of Police Administration Branch

**Wednesday 9
October 2019**

AGENDA

1. Key Stakeholders
2. The Board's Role
3. Police Administration Branch Structure
4. Caseload
5. Case Process Overview
6. Scofield Review - Background & Current Position
7. Challenges & Risks
8. Case Study

1. KEY STAKEHOLDERS

STAKEHOLDER	ROLE
The Northern Ireland Policing Board (the Board)	The Scheme Manager – ensures compliance with regulations and other legislation , manages risks, dispute resolution, facilitates the Pension Board.
The Department of Justice (the DOJ)	Responsible authority for setting scheme policy by way of regulations including the role of the Scheme Manager, Pension Board and Scheme Advisory Board.
Police Service of Northern Ireland (PSNI)	The Scheme Administrator – carries out the day to day functions of running the scheme for the Scheme Manager. Calculates and pays benefits to members, collects contributions, keeps records etc
Selected Medical Practitioners (SMP)	The Board's contracted medical practitioners under the various Pension Regulations
Independent Medical Referee (IMR)	The DOJ's contracted medical practitioners under the various Pension Regulations.

1. KEY STAKEHOLDERS (cont.)

STAKEHOLDER	ROLE
Scheme Members	Former and serving officers who are members of the pension schemes.
Solicitors	Most commonly [REDACTED] [REDACTED] who act on behalf of Scheme Members.
Representative Groups	To include the Police Federation, NIRPOA, Wounded Police and Families Association, PASS NI etc. who act on behalf of Scheme Members.
The Pensions Regulator	Oversees the regulation and running of pension schemes. The Scheme Manager is accountable to the Regulator and must submit various returns and information in this respect.
The Pensions Ombudsman	Retains legal powers to settle complaints and disputes arising out of the Scheme.

2. THE BOARD'S ROLE

- The Board has various responsibilities in respect of police pensions, injury benefits and ill health retirements.
- These responsibilities directly affect all serving and retired police officers in Northern Ireland.
- These responsibilities are overseen by the Resources Committee pursuant to various regulations to include:
 - the *Royal Ulster Constabulary Pensions Regulations 1988*.
 - the *PSNI and PSNI Reserve (Injury Benefit) Regulations 2006*.
 - the *Police Pension (Northern Ireland) Regulations 2009*.
 - the *Police Pension Regulations (Northern Ireland) 2015*.
- The work involved in administering these responsibilities is delegated to the Board's Police Administration Branch (**PAB**).

2. THE BOARD'S ROLE (cont.)

PAB key functions include:

- Managing and administering Injury on Duty (**IOD**) & Ill Health Retirement (**IHR**) awards from inception to completion to include all subsequent reassessments and reconsiderations.
- Managing and administering Deferred Pensions, Adult Survivor Awards, Regulation 11 Gratuity Awards, Dependent Pension Awards etc. to include all subsequent reassessments and reconsiderations.
- Managing and administering the appeals process with assistance from the Department of Justice (**DOJ**).
- Managing and administering statutory Police Pension Board functions to include secretariat duties, arranging Scheme Administrator and Manager meetings and attendance at cross-jurisdictional pension forums.
- Managing the Selected Medical Practitioner (**SMP**) process to include procurement, knowledge sharing sessions and meetings, financial and diary management.

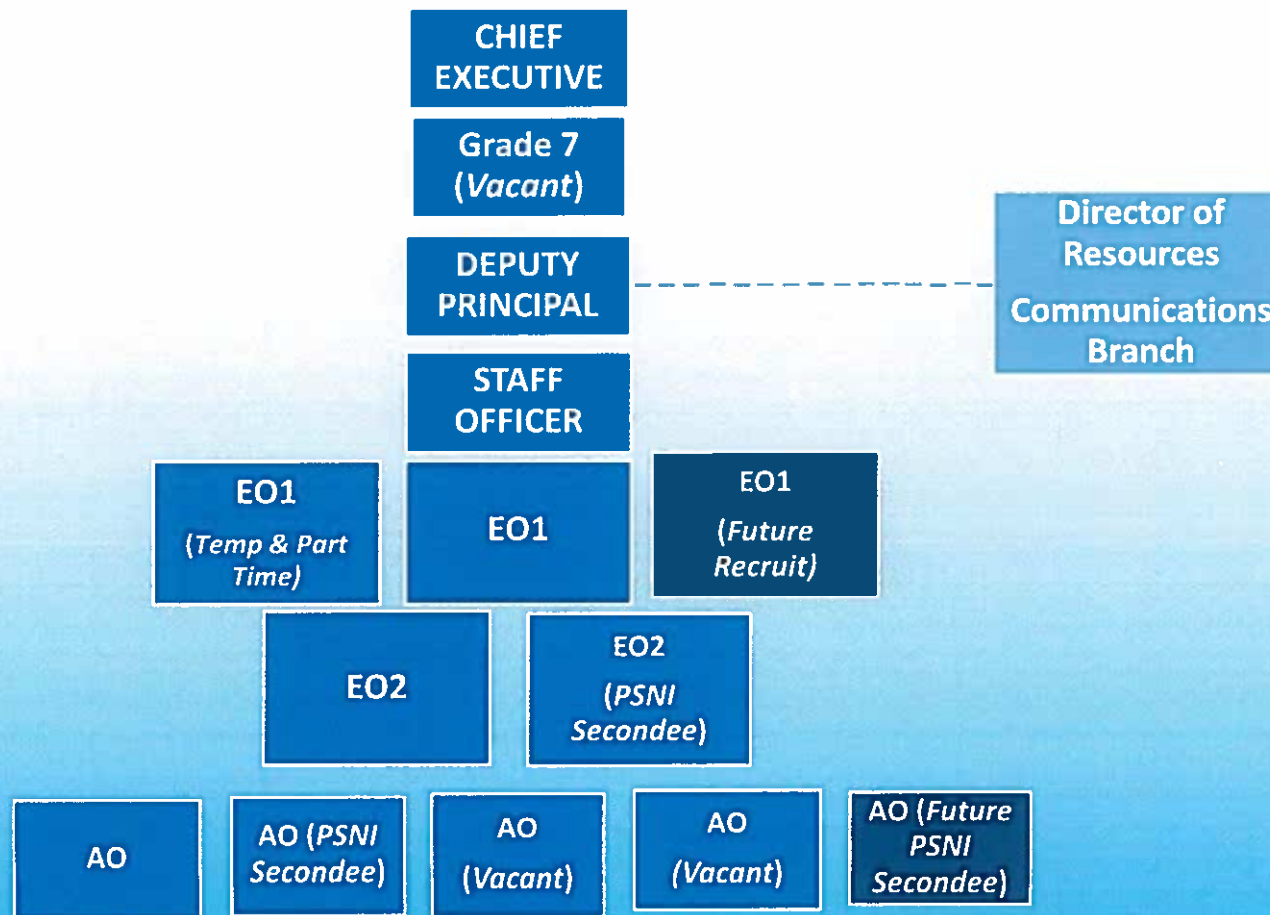
2. THE BOARD'S ROLE (cont.)

- Preparing and submitting documentation and responses in respect of:
 - Freedom of Information (**FOI**) requests, Data Protection Act (**DPA**) requests, Internal Dispute Resolution Procedure (**IDRP**) complaints, Pension Ombudsman complaints together with all associated work arising out of these requests.
- Ad-hoc legal claims and miscellaneous litigation.
- General policy development eg. outstanding reassessment policy, appointment non-attendance policy, SMP complaint policy etc.

Other work undertaken in PAB includes the following:

Medical Appeal Tribunals, Forfeiture Cases, Compensation & High Value Cases reporting, PSNI IDRP Stage 2 investigations and responses, Occasional Licencing Requests.

3. POLICE ADMINISTRATION BRANCH STRUCTURE



4. CASELOAD

- Half way through this financial year PAB had processed **141** SMP appointments.
- The cost to the Board of SMP fees **only** has been approximately **£95,000**.
- PAB are currently progressing **107** live SMP cases.
- This figure changes daily dependent on new applications received and the progress of existing cases. For example, PAB received **21 new applications** in the last two weeks which are awaiting allocation to a caseworker.
- The DOJ have processed **28** appeals this financial year and another **60** are currently ongoing. Again, these figures will change daily.

COMPARISON WITH OTHER FORCES

- The last comparative figures we retain in respect of a similar scheme is in respect of the Metropolitan Police for the financial year 2013-14.
- The Met received a total of 22 applications for the financial year 2013-14. At that stage the Met employed 30,000 officers.

4. CASE PROCESS OVERVIEW

- Examples of case options after an initial SMP Refusal are attached at [Appendix A](#).
- Examples of case options after an initial SMP Approval are attached at [Appendix B](#).

DEFINITIONS

- **RECONSIDERATION** – An applicant must supply new information not previously considered by the original SMP or IMR. This would be material evidence which would cause the SMP or IMR to ‘reconsider’ their earlier decision.
- **REASSESSMENT** - the applicant believes their condition has materially altered (i.e. that their condition has either improved or deteriorated to such a degree that it is likely that their award banding would be affected).
- Following the Scofield Review (details below) all reassessments were put on hold save for requested reassessments made by applicants.
- This will change as soon as the Board’s draft reassessment policy is finalised and ratified by the Board. Once this is policy is in place hundreds of historical cases, marked for reassessment by the SMP and IMR, will progress for reassessment under the regulations.

6. SCOFFIELD REVIEW - BACKGROUND

- The IOD & IHR scheme is a complex scheme to administer due to the volume of applications, the different stakeholders with various interests & responsibilities as well as the overall sensitive subject matter and the litigious client base.
- The scheme is consistently challenged on appeal, by Internal Dispute Resolution Procedure complaints, complaints to the Pensions Ombudsman and by the courts.
- Case law is continually evolving in this area and the Board must keep itself appraised of all developments.
- In light of the above, the Board requested a review of the administration of the IOD award scheme. This was undertaken by Mr David Scofield QC and his comprehensive report was delivered in late 2014.
- A copy of this report can be found on the Board's website

<https://www.nipolicingboard.org.uk/scofield-review-injury-duty-award-scheme>

6. SCOFFIELD REVIEW – CURRENT POSITION

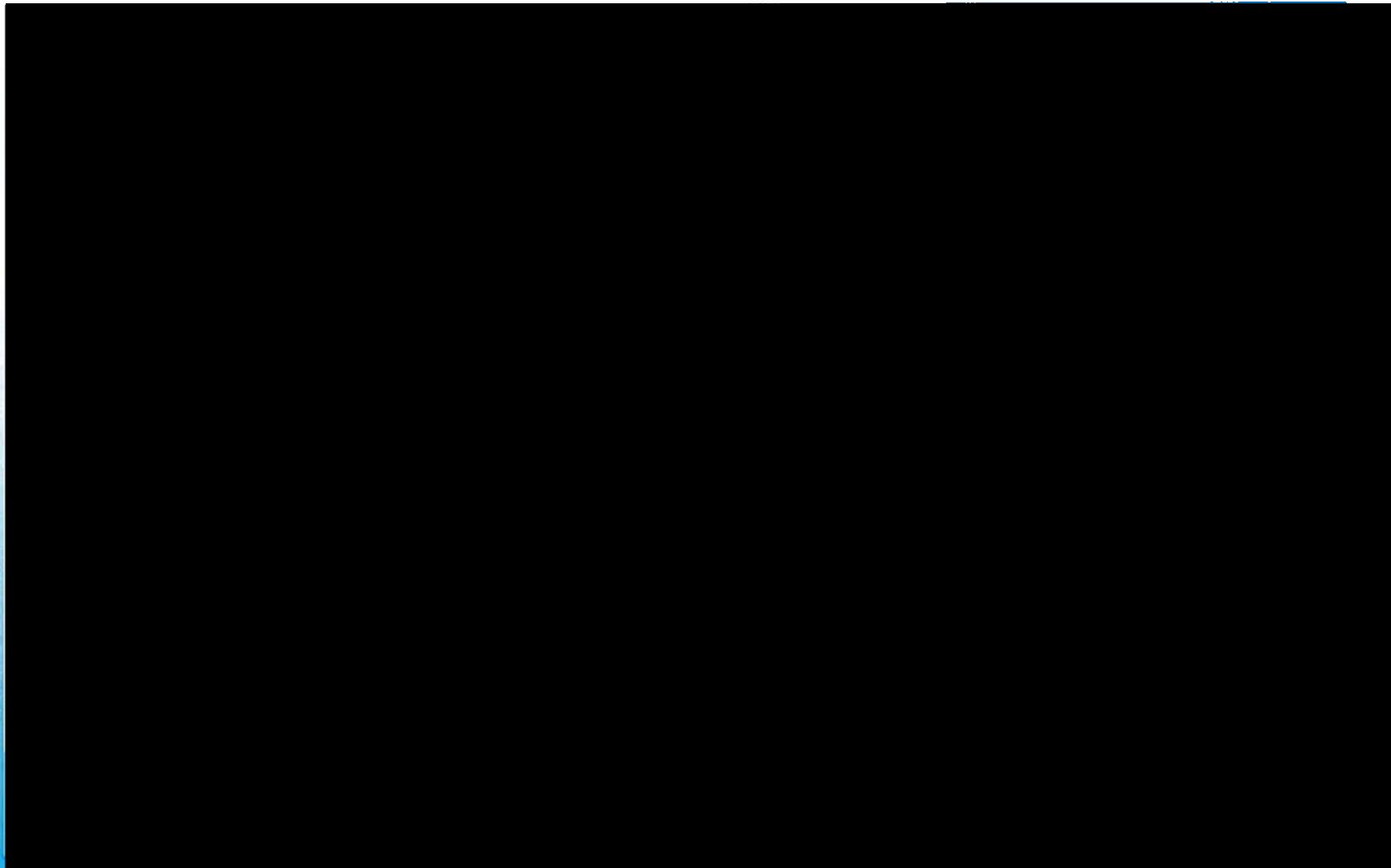
- Mr Scofield QC assigned responsibility to the DOJ for five of six significant limitations in the administration of the IOD award scheme.
- Annexed at **Appendix C** is a copy of the Action Plan, agreed by officials from the Board and the Department of Justice (DOJ) following receipt of the Scofield Review.
- 12 out of 19 agreed actions have been implemented by the Board.
- Responsibility for the 7 outstanding actions rests with the DOJ. These outstanding actions relate to both the drafting of new regulations and overall reform of the scheme.
- At Section 1.43 of his report, Mr Scofield QC notes:

“...the burden of improving the system more generally now seems to me to really rest with the Department, as the body ultimately responsible for the regulations and their amendment, for the issue of any central guidance in Northern Ireland relating to the regulations, and indeed for the funding of the injury benefit scheme.”

7. CURRENT CHALLENGES & RISKS

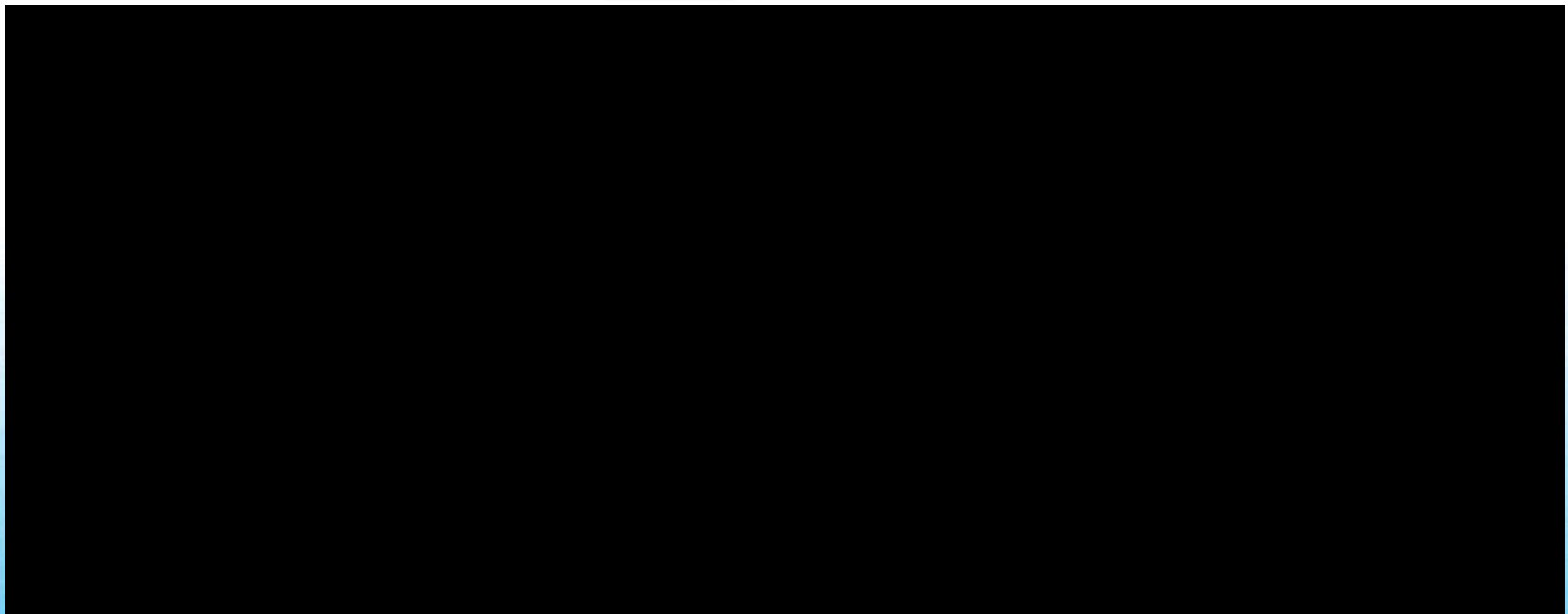
- Future strain in managing/administering scheme and implementation of an electronic Case Management System.
- Guidance to Medical Practitioners Project.
- Failure to implement outstanding Scofield Recommendations & limits within the regulations
- Ongoing impact of GDPR
- Litigious and mobilised client base
- Reassessment policy to include reassessments under the 2006 Regulations and the 2015 Regulations.
- Issues arising out of the Regulations
 - ❖ No time limit for any processes
 - ❖ No cap on the amount of reconsiderations and reassessments.
 - ❖ SMP/IMR Reports deemed final and unable to be challenged (save for a reconsideration by agreement or judicial review).
 - ❖ Further clarity required in respect of definitions

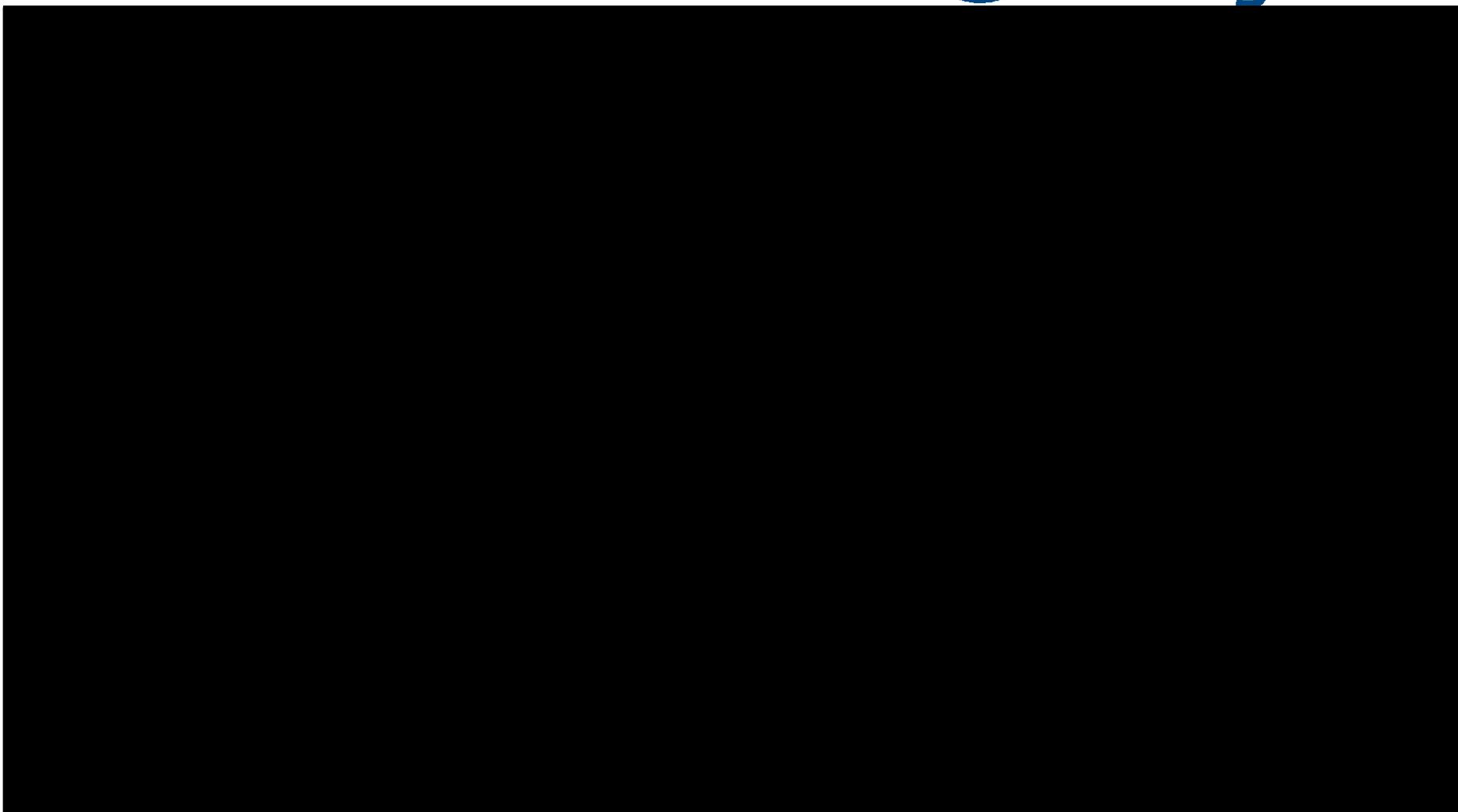
8. CASE STUDY



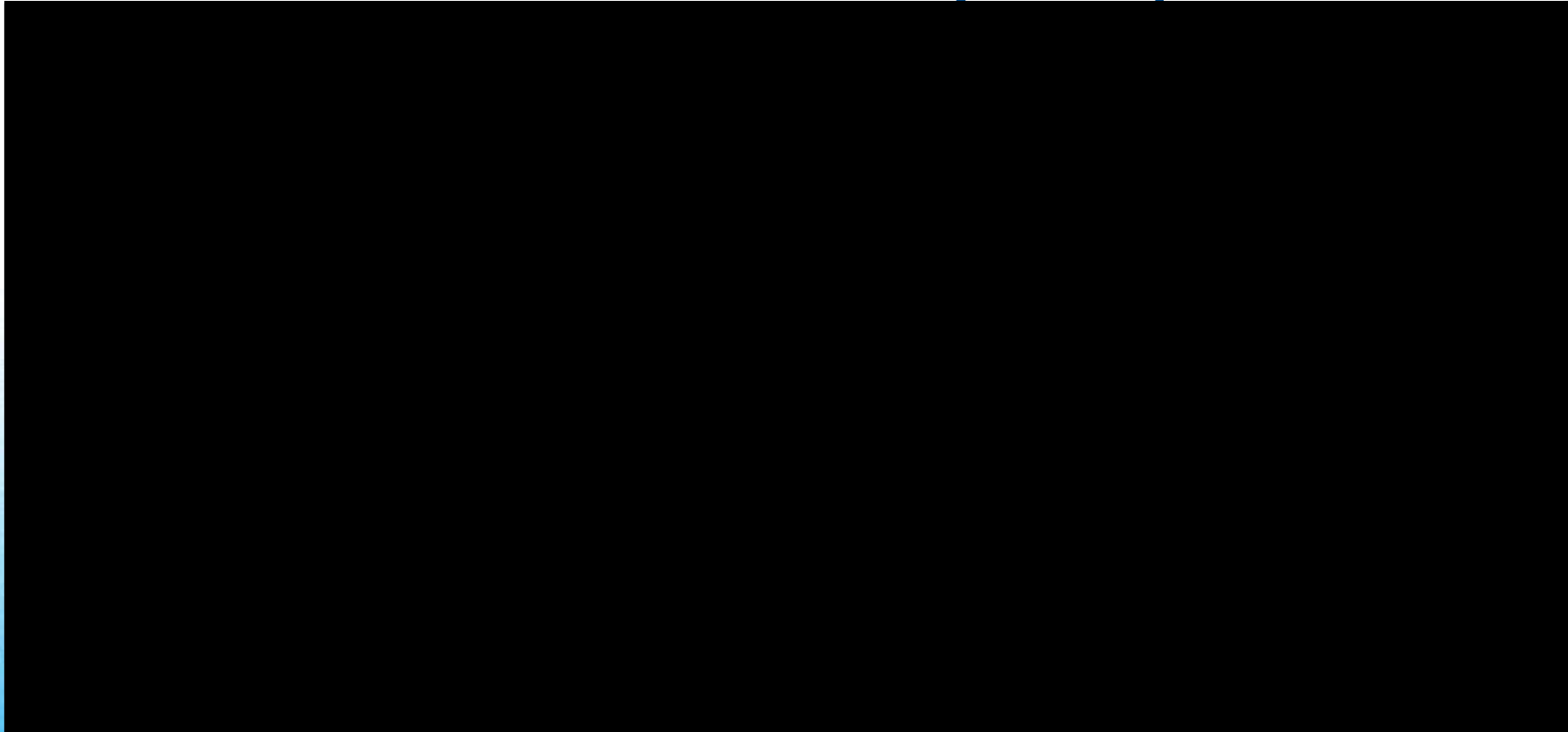
8. CASE STUDY

KEY ISSUES





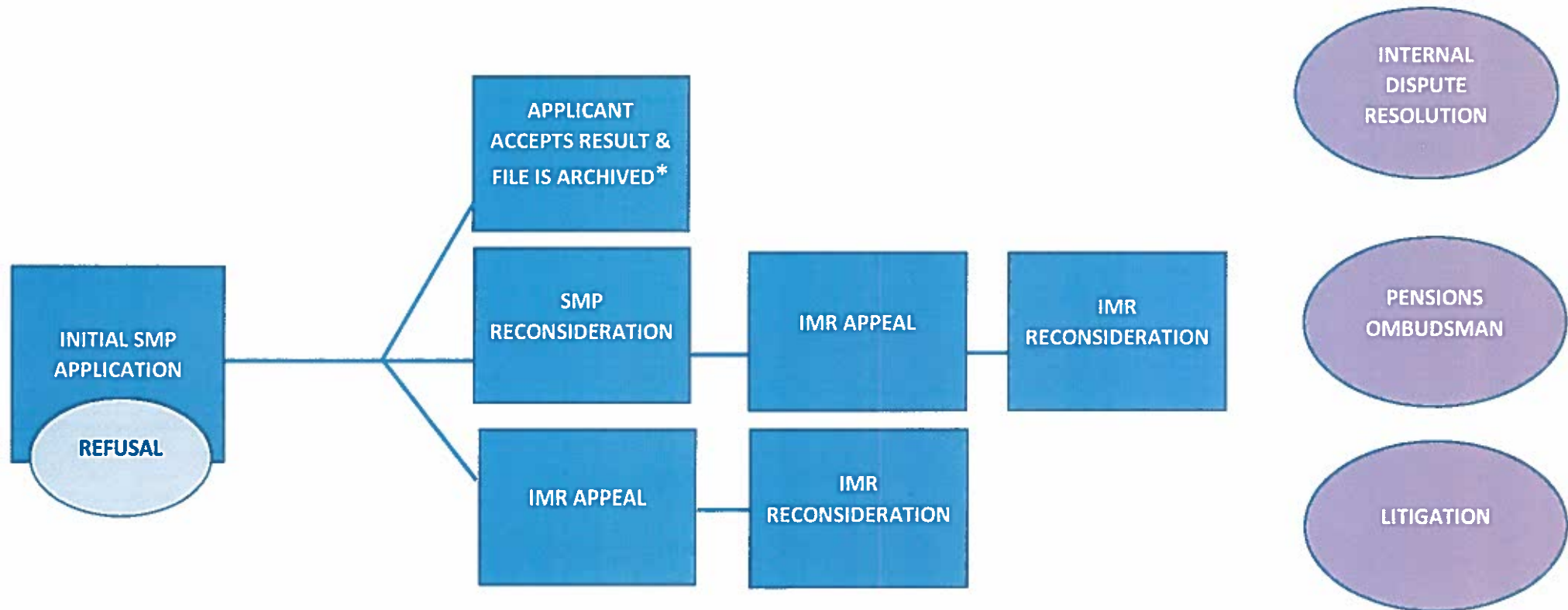
8. CASE STUDY (cont.)





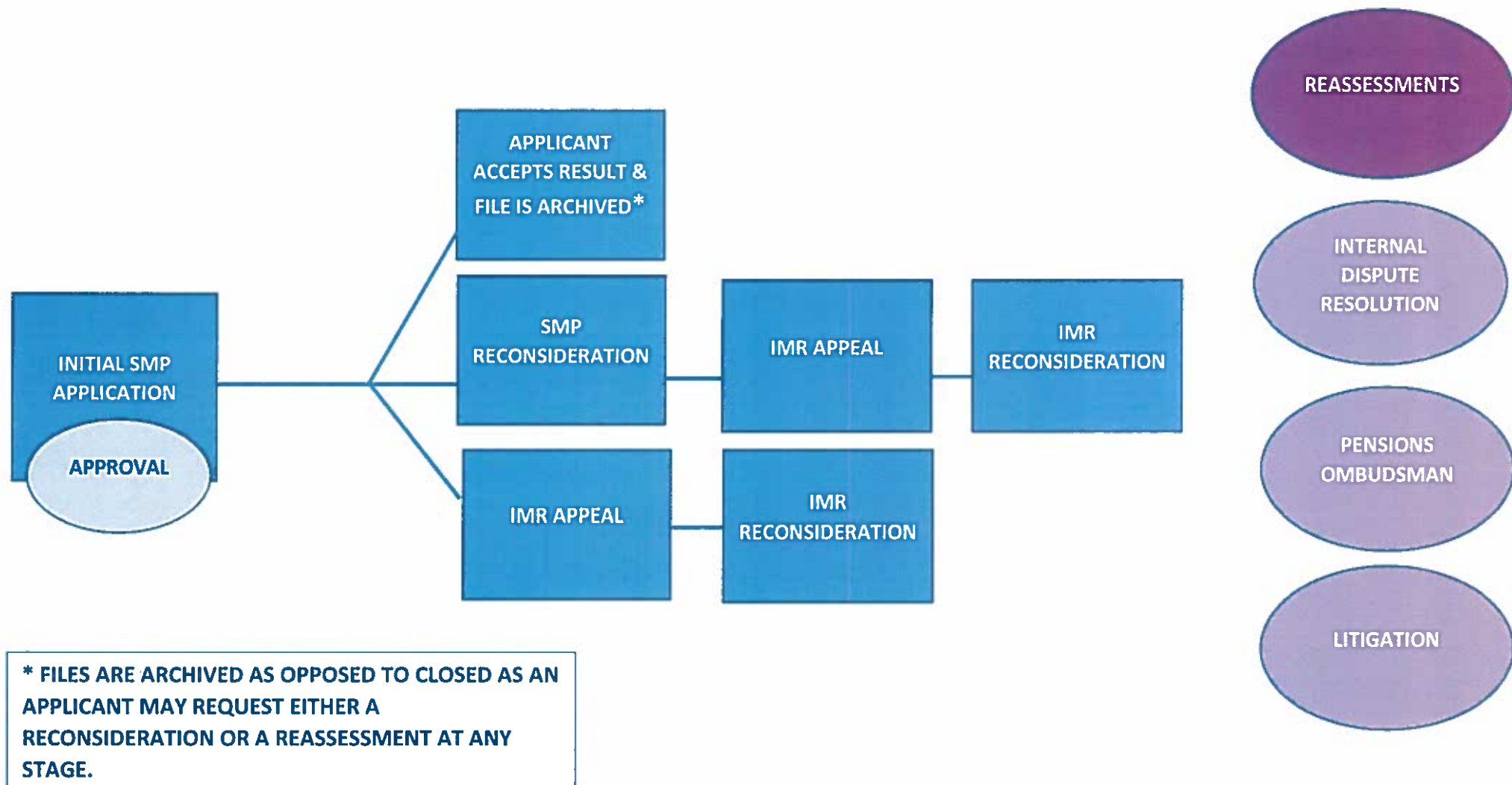
QUESTIONS

APPENDIX A – EXAMPLE OF CASE OPTIONS AFTER INITIAL SMP REFUSAL



*** FILES ARE ARCHIVED AS OPPOSED TO CLOSED AS AN APPLICANT MAY REQUEST A RECONSIDERATION AT ANY STAGE.**

APPENDIX B – EXAMPLE OF CASE OPTIONS AFTER INITIAL SMP APPROVAL



RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
1 That the Board and Department, in consultation with other relevant stakeholders, consider major reform of the injury award system and replace it with a simpler scheme.	DOJ (with evidence/data from NIPB)	Reform of the Injury Award System	NOT YET PROGRESSED
2 New Regulations should deal expressly and unambiguously with how the injury awards scheme is intended to apply to those reaching compulsory retirement age and/or state pension age.	DOJ	Draft new regulations	IN PROGRESS The issue is being considered in drafting of the new regulations. It should be noted that the new regulations will not be retrospective and current cases will be processed under existing regulations.
3 New Regulations should radically simplify the decision-making process for IOD awards. In particular, they should remove the distinction between decision-makers, and separate appeal routes, for medical and non-medical questions.	DOJ (with evidence/data from NIPB)	Draft new regulations	NOT YET PROGRESSED
4 A time limit should be introduced restricting the ability of former officers to make retrospective applications many years after the relevant events.	DOJ	Draft new regulations	IN PROGRESS This provision is being made within the new regulations. It should be noted that the new regulations will not be retrospective and current cases will be processed under existing regulations i.e. only injuries that occur after the commencement date will be assessed under the new regulations.

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
5 New Regulations should provide that compensation recovered in relation to an injury which later forms the basis of an IOD application be subtracted from any IOD award payable.	DOJ	Draft new regulations	IN PROGRESS The issue is being considered for inclusion in the new regulations. It should be noted that the new regulations will not be retrospective and current cases will be processed under existing regulations.
6 Serious consideration should be given to legislative amendment moving the responsibility for administering IOD awards for former officers away from the Policing Board and to the Chief Constable.	NIPB (DOJ)	Draft new regulations and agreement with PSNI	IN PROGRESS Terms of reference for a Working Group between PSNI and the Board have been established in order to take this recommendation forward. The Department will make provision in statute for the delegation of this function to the PSNI and associated transfer of the medical appeals function at a future date.
7 One authoritative, Northern Ireland-specific guidance document should be issued to assist SMPs and IMRs to interpret and apply the Regulations in a consistent manner (and to enable applicants to understand how this will be done). This should be agreed at least between the Board and the Department, although ideally also with officers' representatives.	NIPB (DOJ)	New guidance to SMP/IMRs	IMPLEMENTED The Policing Board published guidance for Selected Medical Practitioners on its website. The Department of justice has agreed that this will be issued to Independent Medical Referees.
8 In the course of development of this further guidance, serious	NIPB (DOJ)	New guidance to SMP/IMRs	IMPLEMENTED

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
consideration should be given to abandoning the currently recommended method of calculating percentage disablement, including detailed reliance on the ASHE survey and comparison with the officer's notional uninjured police salary, in favour of a much more basic approach, whereby the relevant medical authority would simply make a judgment in the round as to the severity of the impact of the duty injury on the officer's earning capacity, so as to select the officer's appropriate band without the need to calculate a specific percentage disablement figure.			The Policing Board has introduced a new assessment policy, available on the website. The new assessment method will be used by the Selected Medical Practitioner and Independent Medical Referee in all cases.
9 In such guidance, given the approach of the case-law such as the <i>Simpson</i> case, the word "permanent" should be taken to mean for the rest of the officer's life, rather than simply until at least the attainment of compulsory retirement age for their rank.	NIPB (DOJ)	New guidance to SMP/IMRs	IMPLEMENTED The Policing Board has included clarification in its guidance to SMP/IMRs.
10 The guidance should also provide SMPs and IMRs with more detailed assistance, in as straightforward language as possible and drawing upon recent case-law, on how to avoid	NIPB (DOJ) dependent on progress of 7, 8 & 9	New guidance to SMP/IMRs	IMPLEMENTED Further clarification is included in the Board's guidance to the SMP/IMRs.

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
11 There should be a move away from automatic review for all cases at any fixed interval set in policy. The judgment as to when a review is appropriate should be made on a more case-sensitive basis, driven particularly by medical advice on this issue from the SMP and/or IMR (although it ought to remain open to an officer to request a review himself at any time and the Board should also retain the right to initiate a review at any time if information comes to its attention identifying an apparent relevant change in circumstances). SMPs and IMRs should expressly be asked to provide the Board with advice on this issue in their completion of reports.	NIPB (DOJ) dependent on progress of 7, 8, 9 & 10	New guidance	IMPLEMENTED On internal review it has been identified that all cases subject to reassessment have now exceeded the original recommended interval. At this time the Board's suspension remains in place until a consultation on a draft Reassessment Interval Policy is undertaken. Following finalisation and publication of the policy, individuals will be called for reassessment in chronological order. SMP/IMRs have been instructed in the joint guidance to provide an opinion on the interval for reassessment in all cases going forward. A section has been inserted in the certificate to be issued by the IMR.
12 More limited legislative amendment to that recommended above should be considered more urgently, if possible, to permit a review to be dealt with, at least in the first instance, on the basis of medical evidence provided without a reference to an SMP, where this is appropriate.	NIPB (DOJ)	Draft new regulations	IN PROGRESS The Board has undertaken research in relation to the operation of other disablement assessment schemes. A draft Reassessment and Interval Policy will be considered by the Board following reconstitution prior to consultation with stakeholders. A separate paper will be put to the Department for

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
			consideration of legislative amendment.
13 For the moment, there should be no automatic reviews of officers at age 65 or other compulsory retirement age; nor should any such officer's banding be reduced on the basis of a calculation taking into account that, had he not been injured, he would in any event have ceased to be a police officer.	NIPB (DOJ) dependent on progress of 7, 8, 9, 10 & 11	New guidance	IMPLEMENTED Cases marked "permanent" will not be reassessed unless specifically requested or there is a compelling reason to do so and recipients will be notified accordingly.
14 Those officers who were told in clear terms that they would not be subject to review, or words to that effect, should not be further reviewed in the absence of a request from them or some compelling reason why a review is considered appropriate (such a reason not to include merely their attainment of a particular age).	NIPB	New guidance	IMPLEMENTED Cases marked "permanent" will not be reassessed unless specifically requested or there is a compelling reason to do so. The Board has informed stakeholder and representative groups and asked for this position to be circulated to their members.
15 SMPs and IMRs should not be precluded in future from designating a case as one for no further review but this should occur only very rarely and guidance should be formulated for them as to when this may be appropriate.	NIPB (DOJ)	Policy guidance	IMPLEMENTED SMPs & IMRs are not precluded from designating a case as one for no further reassessment and this is outlined in the current joint guidance to medical practitioners. A draft Reassessment and Interval Policy will be considered by the Board following reconstitution prior to consultation with stakeholders. This incorporates guidance on when a case may be designated as 'no further reassessment'.

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
16	Additional staff should be provided to the Police Administration Branch within the Policing Board to assist it with its present case-load relating to applications for, and reviews of, IOD awards.	NIPB	Identify available resources
			IMPLEMENTED Agency staff have been engaged to provide additional support to Police Administration Branch.
17	Any suspended reviews which were prompted merely by the officer's attainment of age 65 or other compulsory retirement age should be abandoned.	NIPB	Policy decision
			IMPLEMENTED All such reviews have been abandoned.
18	Any suspended reviews which were prompted merely by the Board's five-yearly review policy should also be abandoned.	NIPB – cross reference with Rec 13.	Policy decision
			IMPLEMENTED All cases subject to reassessment have now exceeded the original recommended interval of five years. At this time the Board's suspension remains in place until a consultation on a draft Reassessment and Interval Policy is undertaken. Following finalisation and publication of the policy, individuals will be called for reassessment in chronological order. SMP/IMRs have been instructed in the joint guidance to provide an opinion on the interval for reassessment in all cases going forward.
19	Where a completed review has resulted in an officer having had his banding reduced by virtue of his attainment of a particular age, that is to say in a Simpson-type	NIPB	Reconsideration and restoration of previous banding
			IMPLEMENTED Letters have been issued to all affected officers advising their pre-review bandings have been restored.

SCOFFIELD REVIEW – UPDATED ACTION PLAN FOR IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	RESPONSIBILITY	REQUIRED ACTION	CURRENT POSITION as at 31 March 2017
case, this should be looked at again, with a view to restoring the officer to the banding he was on before the review (with consequential backdating of any payment) unless and until a lawful review has been conducted.			Payment of all arrears has been made through PSNI Pensions Branch.

WORKING GROUP TO REVIEW THE INJURY ON DUTY AWARD SCHEME DRAFT TERMS OF REFERENCE

1 ROLE AND AUTHORITY

- 1.1 The Northern Ireland Policing Board (the **Board**) has established a Working Group to review the current position in respect of the statutory Injury on Duty award scheme (the **Scheme**) in Northern Ireland. This Scheme can be accessed by both serving and retired RUC and PSNI officers.
- 1.2 The Working Group's function is advisory and it has no executive functions.
- 1.3 The Terms of Reference for the Working Group are approved by the Board.

2 KEY RESPONSIBILITIES

- 2.1 In light of the Board's role as 'Scheme Manager' the Working Group is tasked with identifying any risks which may cause financial and/or reputational damage to the Board.
- 2.2 The Working Group will identify any proposals that might remedy or mitigate against any such risks.
- 2.3 The Working Group will seek assistance from external third parties and key stakeholders when appropriate.

3 MEMBERSHIP

- 3.1 Membership to the Working Group is by way of self-nomination.
- 3.2 The Working Group should comprise of no more than [tbc] Members and a minimum of [tbc] Members of the Working Group will be present for the meeting to be deemed quorate.
- 3.3 The Working Group will be provided with a secretarial function by the Temporary Director of Police Administration Branch.

4 MEETINGS

- 4.1 The Working Group will meet as often as is deemed necessary by its Members.
- 4.2 At the first meeting of the Working Group a forward plan of work is to be agreed by Members together with a concurrent timeline if possible.

APPENDIX B



5	REPORTING
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- 5.1** The Working Group's agenda and minutes will be made available to all Board Members.
- 5.2** The Working Group will formally report to the Board at regular intervals and with a final set of recommendations and/or proposals has been agreed.

NOVEMBER 2019

DRAFT

Amanda Stewart
Chief Executive

OFFICIAL – SENSITIVE

Our Ref: [INSERT]

Date: [INSERT]

Mr Peter May
Permanent Secretary
Department of Justice
Room B5.10, Castle Buildings
Stormont Estate
Belfast
BT4 3SG

Dear Peter

INJURY ON DUTY AWARD SCHEME FOR SERVING AND RETIRED OFFICERS

I am writing following an internal briefing delivered to various members of the Northern Ireland Policing Board (the **Board**) on Wednesday 9 October 2019. The purpose of this briefing was to provide Board Members with an overview of the work of Police Administration Branch and, specifically, to discuss the Board's role in managing and administering the aforementioned Injury on Duty award scheme (the **Scheme**) under the *PSNI & PSNI Reserve (Injury Benefit) Regulations 2006* (the **Regulations**).

Over the course of this briefing Members discussed day-to-day operational issues experienced by the Board in administering the Scheme as well as, inter alia, issues arising out of the legislation and the disparate interests of various stakeholders.

Members discussed issues with the Regulations, to include those identified by David Scoffield QC in his comprehensive report dated November 2014. You will be aware that several of Mr Scoffield's recommendations have not yet been implemented. These

APPENDIX C



outstanding recommendations pertain exclusively to the overhaul of both the Regulations and the Scheme.

In light of the above, I am corresponding with you to confirm that the Board is keen to progress work at both the legislative and policy levels in this area to remedy the issues and Members' would welcome your cooperation and assistance in this respect.

Yours sincerely

AMANDA STEWART
Chief Executive

398832

ANNEX B

INJURY ON DUTY (IOD) WORKING GROUP – MEETING NOTE**WATERSIDE TOWER****WEDNESDAY 26 FEBRUARY 2020 at 9.30AM****PRESENT:**

Mr Colm McKenna (Chair)
Dr Tom Frawley
Professor Brice Dickson
Mr Trevor Clarke

**BOARD OFFICIALS
PRESENT:**

Mrs Amanda Stewart (Chief Executive)
Ms Aislinn McGuckin (T/Director of Police Administration
Branch)
1 Board Official

1. APOLOGIES

None received.

2. ELECTION OF CHAIR & TERMS OF REFERENCE

As this was the first meeting of the Injury on Duty (IOD) Working Group, Members first considered the election of a Chairperson for the Working Group. Following consideration Members agreed Mr Colm McKenna should Chair the Working Group.

Members also noted the Terms of Reference for the Injury on Duty Working Group.

3. OVERVIEW OF CURRENT POSITION

For the benefit of the new Board Members on the working group, the Chair invited Ms McGuckin to provide a recap of the briefing previously given to Board Members on 9 October 2019.

Members were provided with hard copies of the briefing which focused on the Board's responsibilities in relation to police pensions, ill health retirements and primarily, the administration of the Injury on Duty award scheme. Members noted that the work in respect of these areas is delegated to the Board's Police Administration Branch.

The briefing provided Members with details of the various regulations pertaining to police pensions, ill health retirements and the Injury on Duty award scheme and also the roles and responsibilities of the multiple stakeholders involved in each process.

Members' discussions throughout this briefing included:

- 3.1** The range of challenges and risks identified including the day-to-day operational difficulties experienced by Police Administration Branch (**PAB**) officials and high-level issues including complex legislation and the disparate interests of various key stakeholders.
- 3.2** The Board's role as Scheme Manager and the inherent risk in retaining overall responsibility for the actions of both the PSNI (as Scheme Administrator) and the Department of Justice (**DOJ**) (as the Department overseeing all appeals under the Scheme). Working Group Members acknowledged that this scheme sits outside the ordinary oversight responsibilities of the Board. It was noted that the same functions were undertaken in-house, by the various police constabularies in Scotland and England & Wales.
- 3.3** The impact of GDPR, the cost implications of the scheme (which Members noted would be discussed later in the meeting in relation to the draft Northern Ireland Audit Office (**NIAO**) report) , how the scheme compared to other jurisdictions and the nature and frequency of complaints both to the Board as well as to the Pensions Ombudsman and other oversight bodies
- 3.4** The role of the Selected Medical Practitioners (**SMP**) and Independent Medical Referees (**IMR**) in the Injury on Duty award process. Members expressed concern about various ongoing issues relating to the separate IMR process, being the appeal process overseen by the DOJ. These included the perceived conflict of interest in respect of Board officials being involved the administration and preparation of papers for appeals.
- 3.5** The 'Schofield Review' and several of the recommendations made therein. Members recognised that the Board had implemented all recommendations insofar as it was able to and that the DOJ retains responsibility for the outstanding recommendations. These outstanding recommendations relate to legislative change of which the DOJ will be the main driver.
- 3.6** The various cost implications for both the Board in administering the scheme as well as for PSNI in the payment of awards made under the injury on duty scheme. Members noted examples provided within their briefing.
- 3.7** The procurement process relating to the SMPs and IMRs and expressed concern in relation to an applicant's right to choose their SMP or IMR and how

an equitable distribution of work between the doctors can be maintained within this structure.

4. NIAO REPORT

Members noted that a report prepared by the NIAO entitled "*Injury on Duty Schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service*" is due to be published imminently.

As the aforementioned report is still in draft format it was not disseminated to Working Group Members prior to the meeting. Therefore Members were provided with hard copies and afforded reading time ahead of this meeting to review and consider the draft report.

Several key elements discussed by Members included:

- 4.1** The rising trajectory in numbers of officers in receipt of IODs between 2015 and 2019 and the likelihood of continued increases in these numbers. Members noted that as of 31 March 2019, 2,881 PSNI Injury on Duty awards were in payment.
- 4.2** The 32% cost increase to the PSNI over the last 5 years, the liabilities for future payments of IOD awards, the impact this has on PSNI spending and the overall sustainability of the scheme.
- 4.3** The implications for confidence in policing following the publication of this report.
- 4.4** That this report reiterates the position taken by David Scoffield QC in 2014 that legislative change will be required in order for substantive change to be achieved in relation to the IOD award scheme.
- 4.5** The potential impetus of this report to deliver progress towards legislative change. In this regard Members also discussed with Board officials the ongoing Working Group, including the various stakeholders, currently being facilitated by the DoJ to support this report to its completion. Board officials advised there have been preliminary discussions around this group being maintained to take forward an action plan for the implementation of recommendations following the publication of the report.
- 4.6** The recommendations included in the draft report and in particular the recommendation that a fundamental review of the PSNI scheme should be undertaken. A working group Member noted that David Scoffield QC had undertaken a review of the IOD scheme on behalf of the Board in 2014 and

that care should be taken that any review as a result of this report is not merely a repeat of what has already taken place.

5. REVIEW OF JOINT MEDICAL GUIDANCE DOCUMENT

Board officials briefed the Working Group on ongoing work towards the completion of a review of the Joint Guidance to SMPs and IMRs.

5.1 Members noted the genesis of the review following the conclusion of judicial review proceedings brought by the Board. During the course of the judicial review it became apparent that there were deficiencies in the documentation provided to SMPs and IMRs on their appointment to the role and consequently, the Board has sought the assistance of the Crown Solicitors Office (**CSO**) and Neasa Murnaghan QC in addressing these deficiencies.

5.2 Members were provided with an advice note from Neasa Murnaghan QC seeking further direction from the Board as to next steps following her review of the original advice request and bundles subsequently provided for her review.

5.3 Members discussed the memo and noted in particular the request for direction on the Board's preference in regard to focusing on one or two pressing issues or the preparation of the comprehensive report, possible assistance from a junior Counsel and the identification of a timetable for the delivery.

6. NEXT STEPS

Following discussion of the issues referred to above the Working Group agreed the below:

6.1 The next meeting of the IOD Working Group to take place on **Thursday 5 March 2020 at 4.30pm** following the Board meeting;

6.2 That Neasa Murnaghan QC be invited to attend the aforementioned meeting to discuss next steps in respect of the Joint Guidance review and that further information on timetable for completion and cost be sought from CSO ahead of the meeting;

6.3 To raise the issues discussed at today's meeting with the DoJ Permanent Secretary, Peter May when he attends the next Board meeting on Thursday 5 March 2020.

**POLICE ADMINISTRATION DIRECTORATE
MARCH 2020**

INJURY ON DUTY SCHEME WORKING GROUP CHAIR'S REPORT TO THE BOARD

The first meeting of the Injury on Duty (IOD) Scheme Working Group was held on Wednesday 26 February 2020.

The IOD Working Group was convened further to a briefing by Board Officials in late 2019 in which a range of immediate and long term challenges and risks were discussed. These issues arising out of both the IOD Scheme and the various Pension over which the Board is Scheme Manager.

On 26 February 2020 we had the opportunity to discuss these issues in some further detail and our conversations involved;

- The Board's role as Scheme Manager and the inherent risks in retaining overall responsibility for the actions of the PSNI (as Scheme Administrator) and the Department of Justice (who oversee the appeals process).
- The significant and ongoing impact of GDPR.
- The role of the medical professionals who play a key role in the scheme and the ongoing legal review of guidance documentation being undertaken by Senior Counsel.

- How the scheme compared to other jurisdictions and the nature and frequency of correspondence, queries and complaints.

We discussed in particular the impending publication by the Northern Ireland Audit Office of a report into the PSNI and prison service IOD schemes. This report has been drafted following significant input all key stakeholders including the Board.

The Working Group discussed how best to take forward the proposed recommendations made by the NIAO within this report.

The next meeting of the Working Group is scheduled for today, immediately after the Board meeting. The Group will be joined at this meeting by Neasa Murnaghan QC who is attending to provide an update on the work she has completed to date in respect of the medical guidance revision project. The Group will agree immediate next steps and report back to the next Board meeting.

I can answer any questions that might arise from Members.

INJURY ON DUTY (IOD) WORKING GROUP MEETING**WATERSIDE TOWER****THURSDAY 5 MARCH 2020 at 4.30PM****AGENDA**

- 1. APOLOGIES**
- 2. CONFLICTS OF INTEREST**
- 3. NOTE OF THE INJURY ON DUTY (IOD) WORKING GROUP MEETING – 26 FEBRUARY 2020**
- 4. UPDATE ON STATUS OF NIAO REPORT INTO PSNI & PRISON SERVICE IOD SCHEMES**
 - 4.1** Anticipated publication date
 - 4.2** Communications Issues
 - 4.3** Proposed next steps
- 5. PRE-BRIEF IN ADVANCE OF ATTENDANCE BY SENIOR COUNSEL**
 - 5.1** Review original requests for advice from NIPB to Crown Solicitor's Office
 - 5.2** Discussion on issues to be raised with Senior Counsel
- 6. ATTENDANCE BY SENIOR COUNSEL**
- 7. ANY OTHER BUSINESS**
- 8. DATE OF NEXT MEETING**

**POLICE ADMINISTRATION DIRECTORATE
MARCH 2020**

**INJURY ON DUTY SCHEME WORKING GROUP
THURSDAY 5 MARCH 2020
CHAIR'S REPORT TO THE BOARD**

The second meeting of the Injury on Duty (**IOD**) Scheme Working Group was held on Thursday 5 March 2020, immediately after the monthly Board meeting. Members discussed a variety of issues and actions on this date and were also joined by Neasa Murnaghan QC.

In the first instance, Members discussed the impending publication of the Northern Ireland Audit Report into the PSNI and Prison Service IOD schemes. Members went on to discuss the Board's proposed response to the report, how best to implement the recommendations made within the report and any potential communications issues. Members agreed that the report is welcome in terms of the momentum it will bring to progressing necessary changes to the IOD process.

Members welcomed Neasa Murnaghan QC later on in the meeting, following a pre-brief from Board Officials on the legal work undertaken so far by both Ms Murnaghan and the Crown Solicitors Officer more generally.

Members discussed with Ms Murnaghan:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After Ms Murnaghan left the meeting Members agreed a series of short and long term actions to progress this project to include, arranging regular stock take meetings between Board Officials and legal advisors, engagement with the Prison Service to understand how they are implementing NIAO's recommendations, the engagement of Junior Counsel and a review of the current procurement and appointment processes for the medical practitioners.

I can answer any questions that might arise from Members.

INJURY ON DUTY WORKING GROUP

CHAIR

NOTE OF MEETING OF THE INJURY ON DUTY (IOD) WORKING GROUP

**WATERSIDE TOWER
THURSDAY 5 MARCH 2020
4.30PM**

PRESENT:

Mr Colm McKenna (Chair)
Mr Seán Lynch
Mr Trevor Clarke
Dr Tom Frawley
Professor Brice Dickson

GUESTS:

Senior Counsel

**BOARD OFFICIALS:
PRESENT**

Mrs Amanda Stewart (Chief Executive)
Miss Aislinn McGuckin (T/Police Administration Director)
[REDACTED] (T/DP Police Administration)

1. APOLOGIES

No apologies were received for today's meeting.

2. CONFLICTS OF INTEREST

The Chair asked Members to consider today's agenda and advise if there were any conflicts of interest. No conflicts of interest were declared.

3. NOTE OF THE IOD WORKING GROUP MEETING – 26 FEBRUARY 2020

The Chair requested that the Members present at the IOD Working Group meeting of 26 February 2020 advise if they were content that the draft note represented an accurate account of the meeting.

Members agreed the note of the 26 February 2020 meeting.

4. UPDATE ON STATUS OF NIAO REPORT INTO PSNI & PRISON SERVICE IOD SCHEMES

In respect of the upcoming publication of the NIAO report on the PSNI and Northern Ireland Prison Service IOD Schemes the Working Group discussed:

- The anticipated publication date
- Potential communications issues, and;
- Proposed next steps

The working group noted that publication of the report was scheduled for Tuesday 10 March 2020.

Members went on to discuss the Board's proposed response to the report and agreed that the report is welcome in terms of the momentum it will bring to progressing necessary change to the IOD process.

Members' discussions included:

- The potential of the NIAO report to be a catalyst for change to the current legislation;
- That the Board has completed to the extent possible, implementation of the 2014 Scofield Report recommendations;
- All outstanding recommendations from that report require legislative change which sits with the Department of Justice (**DoJ**);
- Steps currently being taken by the Board to mitigate ongoing risks within the IOD process such as the present review of the Joint Guidance to Selected Medical Practitioners (**SMP**) and Independent Medical Referees (**IMR**), and;
- The draft recommendation in the NIAO report that a fundamental review of the PSNI Scheme take place. Members noted that a comprehensive review of the scheme had been completed by David Scofield QC in autumn 2014 and it would not be productive for a similar review to be repeated. Rather, any new review should seek to

progress the work of Mr Scofield QC further towards satisfactory amendments to the legislation.

5. PRE-BRIEF IN ADVANCE OF ATTENDANCE BY SENIOR COUNSEL

In advance of Senior Counsel's attendance, Members reviewed the original advice requests from NIPB to CSO in respect of a review of the aforementioned Joint Guidance document. Board officials briefed the Working Group on progress to date.

Members noted that multiple pieces of correspondence had been exchanged and that the current position rests with correspondence from Mrs Neasa Murnaghan QC dated 11 February 2020 in which she seeks the views of the Board in respect of the most suitable way to progress the Joint Guidance review to a satisfactory conclusion.

6. ATTENDANCE BY SENIOR COUNSEL

The Chair welcomed Mrs Murnaghan QC to the meeting following which she provided a short introduction in respect of the work carried out so far on the Joint Guidance review.

Members discussed with Mrs Murnaghan:

-
- A horizontal bar chart with two main categories on the y-axis: 'All respondents' and 'By gender'. The x-axis represents the percentage of respondents, ranging from 0 to 100. The chart uses black bars for 'U.S. should take action' and gray bars for 'U.S. does not need to take action'. A large, faint '50%' watermark is visible in the background.
- | Category | U.S. should take action | U.S. does not need to take action |
|-----------------|--|--|
| All respondents | 85% | 15% |
| By gender | <ul style="list-style-type: none"> Male: 85% Female: 85% | <ul style="list-style-type: none"> Male: 15% Female: 15% |

■ [REDACTED]
[REDACTED]
[REDACTED]

The Chair thanked Mrs Murnaghan for her attendance following which she left the meeting.

Following discussion the IOD Working Group,

AGREED:

- Work should be progressed on a comprehensive review of the Joint Guidance to SMPs and IMRs;
- Board officials to develop a schedule of regular stock take meetings with Senior Counsel to progress work on the Joint Guidance review;
- Mrs Murnaghan to be advised of the Board's agreement to engage the services of Junior Counsel;
- Board officials to engage with the Northern Ireland Prison Service in respect of the ongoing review of the NICS IOD Scheme by the Department of Finance and any guidance provided to Doctors assessing applicants under that scheme.
- Board officials to consider a review of the procurement and appointment process for SMPs and IMRs.

7. ANY OTHER BUSINESS

No other business was discussed.

8. DATE OF NEXT MEETING

No future meeting date was agreed.

(Meeting closed 5.30pm)

**POLICE ADMINISTRATION DIRECTORATE
MARCH 2020**

DRAFT

FOI 35/2025 – Section 42 Exemption “Advice Privilege”

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 under consideration for release

Bullet points made under Paragraph 6 from a Working Group Paper dated 5 March 2020 titled ‘Draft note of meeting of the Injury on Duty (IOD) Working Group Waterside Tower Thursday 5 March 2020 4.30pm’ and the bullet points under ‘Injury on Duty Scheme Working Group Thursday 5 March 2020 Chair’s Report to the Board’.

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.

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

1. Maintaining legal privilege would safeguard openness in all communications between the Board and its legal advisors to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice.

Result

Taking into account 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 information should not be provided.