



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: FOI 03/2026

Date: 27 May 2026

Request:

At agenda point 6.1.3. of the Resources Committee meeting 19th December 2023 Heading Joint Medical Guidance Project reference is made to a page turn review of the existing medical guidance document and that a draft copy had been issued to members of the Resources Committee.

1. Request:

Please provide me with a copy of the document that was given to the committee.

2. Request:

Could I please be provided with a copy of the Paper that was presented to the Committee in relation to the continuing work on the short and long term actions to revise the " Northern Ireland Policing Board and the Department of Justice Joint Medical Guidance for Medical Practitioners on the Injury on Duty Awards"

3. Request:

A copy of the correspondence sent to the Permanent Secretary of the DOJ as referred to in the minutes.

On the 16th December 2021 a paper was presented to the Resources Committee entitled "Progress report on the implementation of the recommendations within the Northern Ireland Audit Office Report"

In the update of Recommendation 4 [Bullet Point 3] reference is made about a new guidance document involving Senior and Junior Council.

I have asked for this document in a previous FOI but I failed to ask for the cost to the public purse for this project so:

4. Request:

Could you please provide me with the total cost of this project as referenced in the above recommendation.

This was a turn page review of the existing guidance document involving the Crown solicitors office, a Senior QC and a Junior Council as detailed by the then T/Director of Police Administration.

Answer:

1. The document requested is exempt under **Section 36 Prejudice to effective conduct of public affairs**. The specific sub section being relied on is Section 36 (2) (c) of the Freedom of Information Act 2000.
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 exemption at Section 36 (2) (c) is 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.

2. Please find attached a copy of the document requested. Where redactions have been made this is because the following exemptions apply.

Section 36 Prejudice to effective conduct of public affairs.

The specific sub section being relied on is Section 36 (2) (c) of the Freedom of Information Act 2000.

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 Acting Chief Executive. The ‘Qualified Person’s’ opinion is that the exemption at Section 36 (2) (c) is 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.

Section 40(2) personal data of a third party (someone other than the requester).

As this is personal information, pertaining to a third party, the Board is not in a position to provide this information to you.

This personal information is exempt from disclosure to you under section 40(2) by virtue of section 40(3)(a)(i) of the FOIA. Section 40(2) allows a public authority to withhold information from a response to a request for information under the FOIA when the information requested is personal information relating to someone other than the

requester and its disclosure would contravene one of the data protection principles. The first data protection principle requires personal data to be processed fairly and lawfully. This personal data is exempt from disclosure under section 40(2) of the FOIA 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.

3. The document requested is exempt under **Section 36 Prejudice to effective conduct of public affairs**. The specific sub section being relied on is Section 36 (2) (c) of the Freedom of Information Act 2000.

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 exemption at Section 36 (2) (c) is 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. Our records show £11,653.50 of invoices which were directly attributable to Joint medical guidance however our financial recording system is not configured in such a way that we may confirm all financial information you have requested has been captured.

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.

FOI 03/2026 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

Copy of document and paper referenced at agenda point 6.1.3. of the Resources Committee meeting 19th December 2023 Heading Joint Medical Guidance Project’.

Arguments in favour of disclosure of the requested information

1. Disclosure of the requested information would be in line with the spirit and requirements of the Freedom of Information legislation in asking public bodies to be open and transparent and would help promote accountability.
2. The matters arising from the Revised Joint Medical Guidance Project are still current and are generating significant level of communication. The volume of correspondence received by the Board from individuals also highlights that the topic is of interest to certain 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 Officials, as well as with Board members as well as between the Board and relevant third parties. This will ensure a full and frank exchange of views and robust discussion, which in turn is fundamental to the administration of justice.
2. Releasing incomplete or evolving information could cause misunderstanding, public confusion, and increased demands on the Board and DoJ officials to clarify matters still under review.
3. Release of the requested information at this time would adversely impact upon the current operation of the Board’s Police Pensions & 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 would hinder ongoing work on the Revised Joint Medical Guidance Project and discourage, open candid discussion during the development process.
5. Release of all information into the wider public arena at this time *would* 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 requestor 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

Considering 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.

NORTHERN IRELAND POLICING BOARD	
RESOURCES COMMITTEE	
19 DECEMBER 2023	
Paper Title:	Revision of Joint Medical Guidance Project
Agenda Ref No:	6.1.3
Lead Official:	<div style="background-color: black; width: 150px; height: 1.2em; display: inline-block;"></div> – Director of Police Pensions and Injury Benefits Branch Redaction: Section 40(2) personal data of a third party
Purpose of Paper:	For Members to note ongoing work in relation to the revision of Joint Medical Guidance Project and approve consultation response and correspondence to the Department of Justice Permanent Secretary.
Considerations:	<p>(i) Resources: Payment of Joint Guidance Revision Project is debated. Financial implications to PSNI budget for payment of all IHR & IOD awards. NIPB fund medical assessment fees for SMP & IMRs.</p> <p>(ii) Equality: None.</p> <p>(iii) Publication Status of paper: This paper is <u>unlikely</u> to be disclosable under Freedom of Information.</p> <p>(iv) Related Corporate Plan/Business Plan measure: <u>Corporate Plan, Objective D:</u> To deliver independent, fair and transparent processes for former and serving officers in line with Police Pension, Injury Benefit and Appeal legislation.</p>
Action Required by the Committee: <u>DECISION PAPER</u>	The Committee should <u>note</u> all updates in relation to the Revision of Joint Medical Guidance Project and <u>consider and approve if content</u> the correspondence to DOJ and consultation response.

1. BACKGROUND

- 1.1 The Northern Ireland Policing Board (the **Board**) has various statutory responsibilities and obligations in light of a specific suite of police pension and injury on duty regulations (the **Regulations**).¹
- 1.2 In respect of Injury on Duty (**IOD**) applications, Selected Medical Practitioners (**SMP**) and Independent Medical Referees (**IMR**) undertake a medical assessment regarding the statutory questions referred to them in relation to an ex-officer's entitlement to an IOD. SMP's and IMR's undertake their medical assessments in line with both the IOD Regulations as well as the current '*Northern Ireland Policing Board and Department of Justice Joint Medical Guidance for Medical Practitioners on Injury on Duty awards*' (the **Existing Joint Guidance**). SMPs are contracted to the Board and IMR's are contracted to the Department of Justice (**DOJ**) thus requiring the medical guidance to be jointly authored and owned by both bodies.
- 1.3 This paper relates to the ongoing project to update and revise the Existing Joint Guidance.

2. PURPOSE OF PAPER

- 2.1 Over the last number of Resources Committee meetings Members have discussed the ongoing work which has been taken place in relation to short and long term actions to revise the Existing Joint Guidance.
- 2.2 The purpose of this paper is to provide an update on the actions progressed over the last number of weeks together with an overview of the work which remains ongoing. Members are also asked to consider and approve the redrafted correspondence to the Permanent Secretary of the Department of Justice (**DOJ**) as well as the draft consultation response of which more information is detailed below.

¹ *Royal Ulster Constabulary Pensions Regulations 1988, the Police Pension (Northern Ireland) Regulations 2007, Police Pension Regulations (Northern Ireland) 2015 and PSNI and PSNI Reserve (Injury Benefit) Regulations 2006.*

3. CONSULTATION – DRAFT AMENDED PENSION REGULATIONS

3.1 Members were previously updated by way of email and at Committee meeting in November 2023 that DOJ had launched its targeted consultation in relation to placing the Existing Joint Guidance on a statutory footing. The consultation was launched on Monday 6 November 2023 and is projected to close at 11pm 17 December 2023.

3.2 There is no substantive consultation document for review and response by Members, rather there are only draft amended regulations and a single request as follows:

“Should application of the Northern Ireland Policing Board and the Department of Justice ‘Guidance to Medical Practitioners on Injury on Duty Awards’ be placed in statute to ensure a consistent/standardised application of said guidance across all IOD Award applications?”

3.3 A copy of the draft amended regulations is contained at **ANNEX A** or these can also be accessed at the following link:

[Consultation on draft amendment for injury on duty medical guidance | Department of Justice \(justice-ni.gov.uk\)](#)

3.4 The consultation relates primarily to a proposed addition to *Regulation 29* of the current *PSNI & PSNI Reserve (Injury Benefit) Regulations 2006*. Whilst there are also some proposed typographical “tidy-ups” tabled, the substantive amendment (and purpose of the consultation) reads as follows:

“An SMR [sic] or IMR must comply with the provisions of the most recent version of the Guidance to Medical Practitioners on Injury on Duty Awards to SMP’s and IMR’s at all times.”

3.5 In the first instance, it is noted that the draft regulations incorrectly refer to “SMRs” and not “SMPs” and it is recommended that this typographical error is flagged within the Board’s consultation response.

3.6 Regarding the amendment as drafted (and further to recent engagement with DOJ) it would benefit to the Board to support this amendment. We are in a position this month to review the wording of the proposed draft amendments

and it confers an express statutory obligation on all medical practitioners to utilise the Existing Joint Medical Guidance.

3.7 The proposed amendment doesn't negate the fact that the Existing Joint Medical Guidance needs reviewed however, the proposed amendment requires all medical practitioners to defer to the existing guidance (in whatever its current guise) thus ensuring a degree of consistency of approach which has thus far been lacking.

3.8 It is of note that as far back as the 2014 Scofield Review a recommendation was made as follows:

“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).”

3.9 The draft amendment will ensure that the spirit and intent of this recommendation is achieved and potentially limit the risk of further legal claims such as that which occurred in the early stages of 2023 in which an IMR introduced their own guidance document containing entirely different methodologies and processes.

Redactions: Section 36 2 (c) Prejudice to effective conduct of public affairs

3.10 [Redacted]

3.11 [Redacted]

4. [Redacted]

4.1 [Redacted]

4.2 [Redacted]

4.3 [Redacted]

4.4 [Redacted]

5. [Redacted]

5.2

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**POLICE PENSIONS & INJURY BENEFIT DIRECTORATE
DECEMBER 2023**

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