



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** 28/2016

**Date:** 2 August 2016

### **Request:**

I seek the following documentation/information under the FOI Act relating to the NIPB Resources Committee Meeting, held on 24.3.16 - Paragraph 6(1) being the relevant agenda item -

1. Copy of paper presented to the Committee seeking the Members views on the potential contractual arrangements for the provision of Selected Medical Practitioner (SMP) services to the Board.
2. Copy of the Draft outline Business case for the SMP contract.

### **Answer**

I have attached a copy of the paper presented to the Resources Committee on 24 March 2016 (Annex A). A copy of the minutes from Resources Committee meetings can also be found on our website at the below link:

<https://www.nipolicingboard.org.uk/resources-committee-0>

With regard to the second part of your request for a copy of the draft outline business case for the SMP contract I can confirm the Board holds this information. The Board has determined that the exemption at section 43 – likely to prejudice commercial interests - of the Freedom of Information Act (Commercial Interests) applies to parts of the draft outline business case which have been redacted.

Section 43 is a qualified exemption and, as such, is subject to a Public Interest Test. The Board has completed a Public Interest and has decided that the public interest in maintaining the exemption outweighs the public interest in disclosure.

A copy of the Public Interest Test is attached for your information.

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](mailto:foi@nipolicingboard.org.uk)

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:-

The Information Commissioner's Office – Northern Ireland  
3rd Floor  
14 Cromac Place  
Ormeau Road  
Belfast  
BT7 2JB.

Telephone: - 0303 1231114  
Email: - [ni@ico.org.uk](mailto: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](http://www.nipolicingboard.org.uk).

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

## **FOI 28/2016 – Section 43 exemption “Commercial Interests”**

### **Public Interest Test**

The exemption at section 43 of the Freedom of Information Act (FOIA) 2000 is a qualified exemption and, as such, a Public Interest Test must be carried out by the public authority before information could be withheld using the exemption.

### **Information requested by the applicant**

- Copy of the Draft outline Business case for the SMP contract

### **Arguments in favour of disclosure**

1. Disclosure of the requested information could help the Board to show it is open and transparent in how it makes its decisions regarding the SMP arrangements
2. Disclosure of the requested information could help the Board to be seen to be open, accountable and transparent in relation to how public money is spent.
3. Disclosure would be in line with the overall aim of openness and transparency enshrined within the FOI Act.

### **Arguments in favour of refusal**

1. This is a live process and the Board would not wish to disclose information which may prejudice its commercial interests and its bargaining position.
2. If the call-off list is unsuccessful the Board may have to go out to tender for the SMP services, and if details of the current contract were made public at this point in time this could adversely impact upon any future procurement process.
3. Publishing financial details relating to the current SMP contract could also adversely impact upon the need to ensure that public money is spent in the most cost effective way as possible – i.e. if it became public knowledge how much the current contractor is charging for individual services, then it is possible that competition for any future contract could be undermined by interested companies tendering on a similar pricing structure rather than competing on cost.

4. The views of the SMP Blackwell Associates (BA) are very strongly that the information requested is commercially sensitive to their business and should not be released at this time. BA added that during the tendering process for the contract they had specifically requested that financial and personnel information remain confidential, and that they still believe that pricing *structures and product terms etc. associated with the SMP contract* should remain confidential. BA also stated that Clause E4 of the Conditions of Contract affirms that no part of the contract can be publicised without their written consent, which they will not give on this occasion.
  
5. A requestor's private interest in receiving particular information held by a public authority is not necessarily the same as the interest of the general public, and what may serve an individual requestor's private interests may not necessarily serve the wider public interest (ref: ICO guidance note on the Public Interest Test). Whilst there is no doubt that the requestor is keen to receive this financial information, it does not necessarily follow that members *of the public who have no association with the work BA carry out for the Board* would be as interested.

### **Decision**

Taking into account all of the circumstances stated above, it is felt that the public interest in engaging the exemption and not disclosing the information requested outweighs the arguments in favour of disclosure.

As such, the information should be withheld and the requestor advised accordingly.

ITEM NO:

**NORTHERN IRELAND POLICING BOARD  
RESOURCES COMMITTEE – 24 MARCH 2016  
CONTRACT ARRANGEMENTS FOR SELECTED MEDICAL PRACTITIONER  
SERVICES**

**Purpose**

The purpose of this paper is to seek the Committee's views on a potential alternative contract arrangement for the provision of Selected Medical Practitioner (SMP) services for the Board to fulfil its statutory responsibility for administering applications for ill health retirement and injury on duty awards. A draft outline Business Case for SMP is attached at **Annex A**.

**Background**

The Board is seeking to appoint Occupational Consultants to act as the Selected Medical Practitioner<sup>1</sup>. The role of the SMP is to conduct all medical assessments in respect of police officers ill health and injury on duty award applications.

The Board has a statutory responsibility for administering applications from current and former police officers for ill health retirement and injury on duty awards in respect of serving and former police officers.

The Board's responsibilities, set out in the Regulations<sup>2</sup>, include the management of all applications for ill health retirement and/or injury on duty awards (IOD). Applications are processed for serving officers and retrospective applications for ill health retirement and/or IOD awards for former officers. The Board is required to base its decision on a report and certificate made by a 'duly qualified medical

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<sup>1</sup> An SMP is a doctor who is a qualified Occupational Consultant. The Police Negotiating Board guidance states as follows: "Ideally, the SMP should be a Member or Fellow of the Faculty of Occupational Medicine (MFOM or FFOM), or EEA equivalent. The minimum requirement should be that he or she is an Associate of the Faculty of Occupational Medicine (AFOM) or EEA Equivalent."

<sup>2</sup> The RUC Pensions Regulations 1988; the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006; the Police Pension (NI) Regulations 2009; and the Police Pension Regulations (NI) 2015.

practitioner', known as a 'selected medical practitioner' (SMP) who will assess an individual's eligibility.

The Board appointed SMP completes the assessment and in accordance with the Regulations makes a decision which is issued in the form of a 'Report and Certificate'.

Since 2003 the Board has contracted out the SMP role to Selected Medical Practitioners (SMP's) who conduct the assessment/review processes on behalf of the Board. The Central Procurement Directorate (CPD) has guided the Board on the advertisement, assessment and award of the SMP contracts since 2003. The contracts awarded have been for a 3 year period with a possible 2 x 1 year extensions. The current 3 year contract was due to expire on 31 March 2014, however, two 1 year extensions have been granted and a further extension for 6 months to 30 September 2016. The contract prices were fixed for the first 3 years after which the contractor requested an increase in the contract fees as part of negotiating extensions.

Over the last five years, the Board's SMP conducted 1,743 initial assessments and 300 appeal reconsiderations on behalf of the Board. The NIPB are referring an average of 26 cases each month and as at March 2016 there are 267 cases at various stages of progression and a further 240 appeal cases.

It is expected that the costs for SMP to carry out assessments and reconsiderations will increase. This is reflected in the tenure of the current contract and in comparisons with the UK generally. The new costs for SMP potentially will amount to in excess of [REDACTED] over the next 5 years.

### **Detail**

Central Procurement Directorate has advised the Board on options it can consider for the establishment of a contract for the provision of SMP services. The preferred option set out in the Business Case (option 5) is for the Board to set up an 'approved list' of service providers to act as SMP has evolved following the changes to the EU Directive and subsequent Public Contracts Regulations 2015 which came

into effect in April 2015. Under Recital Four of the Public Contracts Regulations 2015 the EU have recognised that:

*The notion of acquisition should be understood broadly in the sense of obtaining the benefits of the works, supplies or services in question, not necessarily requiring a transfer of ownership to the contracting authorities. Furthermore, the mere financing, in particular through grants, of an activity, which is frequently linked to the obligation to reimburse the amounts received where they are not used for the purposes intended, does not usually fall within the scope of the public procurement rules. Similarly, situations where all operators fulfilling certain conditions are entitled to perform a given task, without any selectivity, such as customer choice and service voucher systems, should not be understood as being procurement but simple authorisation schemes for instance licences for medicines or medical services." (emphasis given)*

**How this would operate in practical terms:**

- The Board would advertise (most likely through the NIPB website or relevant publications) the opportunity to join their list of approved SMP.
- The Board can set minimum qualifications and standards and only those who meet the minimum qualifications and standards will be appointed to the list.
- The list is always open, in that if there are new requests to join the list, those requestors are assessed against the same minimum qualifications & standards and if they meet them, are added to the list. You can also have terms and conditions of contract, KPIs etc as you do with other contracts. It is a contract in the traditional sense with performance clauses; it is just not put in place through the vehicle of public procurement.
- The list is continually live and made available to all relevant personnel. It is the individual's choice to select who they want to undertake their assessment.

The customer / individual's choice is the mechanism that distinguishes this arrangement from that of public procurement.

- Another important mechanism to retain is that of a set fee approach. A single rate should be applied through the contract.
  
- This structure/approach would be acceptable – it ensures transparency, non-discrimination and equality of opportunity, quality minimum standards and 'customer choice'.
  
- This approach to provision of SMP lends itself to the possibility of moving this process from the Board to PSNI at a future date in line with the recommendation<sup>3</sup> of review by David Scoffield QC.

### **General Considerations**

- (i) **Resources** – There are resource implications for both the Board and PSNI as detailed in the draft outline business case.
- (ii) **Equality and Human Rights** – ongoing consideration.
- (iii) **Publication Status of paper** – this paper would not be available under Freedom of Information as it is commercially sensitive.

### **Decision**

The Committee is asked to consider the business case and provide views on the potential alternative contract arrangement for the provision of Selected Medical Practitioner services.

**DIRECTOR OF POLICY**

**March 2016**

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<sup>3</sup> Recommendation 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.

**OUTLINE BUSINESS CASE  
FOR A  
SELECTED MEDICAL PRACTITIONER**

**DRAFT**

**PROJECT TITLE: SELECTED MEDICAL PRACTITIONER**

**SENIOR RESPONSIBLE OFFICER: Ms Jenny Passmore**

**SIGNED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**APPROVING OFFICER: Mrs Amanda Stewart**

**SIGNED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DRAFT**

**Document Owner**      The owner of this document is: [REDACTED] Project Manager.

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## SECTION 1 STRATEGIC CONTEXT

The Northern Ireland Policing Board (NIPB) was set up under the Police (Northern Ireland) Act 2000 and its statutory functions are governed under this legislation as updated.

Further detail can be found in the NIPB Corporate Plan for 2014/17 which is on the NIPB website [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

NIPB is seeking to appoint Occupational Consultants to act as the Selected Medical Practitioners<sup>1</sup> (SMP). The role of the SMP is to conduct all medical assessments in respect of police officers ill health and injury on duty award applications.

The Board has strategic objectives to deliver, an effective and efficient Policing Board (Objective 1) and an effective and efficient PSNI (objective 2). The Board is also required to take account of its statutory duty under Section 75 of the Northern Ireland Act 1998 to promote equality of opportunity, in this instance, between those with and those without a disability.

NIPB's responsibilities, set out in the Regulations<sup>2</sup> and as Pensions Administrator, include the management of all applications for ill health retirement and/or injury on duty awards (IOD). Applications are processed for serving officers and retrospective applications for ill health retirement and/or IOD awards for former officers. It should be noted that serving officer cases are prioritised in order to minimise the associated sickness costs and management proceedings for PSNI. The Board is required to base its decision on a report and certificate made by a 'duly qualified medical practitioner', known as a 'selected medical practitioner' (SMP) who will assess an individual's eligibility.

<sup>1</sup> An SMP is a doctor who is a qualified Occupational Consultant. The Police Negotiating Board guidance states as follows: "Ideally, the SMP should be a Member or Fellow of the Faculty of Occupational Medicine (MFOM or FFOM), or EEA equivalent. The minimum requirement should be that he or she is an Associate of the Faculty of Occupational Medicine (AFOM) or EEA Equivalent."

<sup>2</sup> The RUC Pensions Regulations 1988; the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006; the Police Pension (NI) Regulations 2009; and the Police Pension Regulations (NI) 2015.

The Board appointed SMP completes the assessment and in accordance with the Regulations makes a decision which is issued in the form of a 'Report and Certificate'.

The Regulations provide, in the interests of natural justice, for two independent appeals bodies; police officers can appeal decisions made by the SMP to an independent medical referee and appeal the decisions of the NIPB regarding IOD awards to a medical appeal tribunal. As part of these arrangements, the Department of Justice has the statutory duty to appoint an independent medical referee. This business case deals only with the appointment of Selected Medical Practitioners.

The Minister commissioned a Review of the IOD arrangements in May 2010, in response to critical feedback from stakeholders and the public. The Review Panel made a number of recommendations relating to the entire IOD process<sup>3</sup>.

Since then there have been a number of queries and rulings against the Board by the Pensions Ombudsman. The Board in order to clarify the position initiated a review of the arrangements for processing the IOD scheme in 2013 and David Scoffield, QC was appointed to undertake this role<sup>4</sup>.

David Scoffield completed his review in November 2014 and his report together with a copy of progress against the action plan for implementing the recommendations is available on the Board's website. [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk).

David Scoffield consulted with stakeholders as part of his review and the Board continues to engage with DOJ, PSNI, police officers, medical practitioners and Police representative bodies on implementation of the recommendations. There are no outstanding stakeholder issues.

A number of deficiencies have been identified with the existing arrangements.

- Reliance on a small and decreasing pool of medical practitioner's willing to act as SMP.
- Former officers challenging the decision of the SMP through the GMC has deterred

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<sup>3</sup> [http://www.dojni.gov.uk/index/publications/review\\_of\\_police\\_injury\\_award\\_arrangements\\_-\\_final\\_report\\_of\\_review\\_panel.htm](http://www.dojni.gov.uk/index/publications/review_of_police_injury_award_arrangements_-_final_report_of_review_panel.htm)

<sup>4</sup> [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

medical practitioners from engaging in this work.

- The transfer of information between the Board and an external medical practitioner is cumbersome and time consuming to risk manage.
- The time taken from making an application to a final determination is subject of criticism. This would be addressed through agreed target times for completion of various stages of the process, including the SMP medical assessment and completion of reports.

Police Administration Branch, which administers ill-health retirement and injury on duty award applications, was the subject of an internal audit review in 2014. A number of recommendations were made to ensure the branch's processes are effective and efficient, including implementation of a case management system. It is anticipated the new system, which the Board aims to procure and install by April 2017, will reduce administrative tasks undertaken by the branch's staff thereby increasing work productivity and the time taken to complete applications. The Board's business case has been approved and the tender process will commence within this quarter.

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## SECTION 2 – NEED FOR EXPENDITURE

In order to fulfil the requirements of the legislation there are a number of procedures which fall to the Board, the PSNI and the DOJ to implement. This business case deals with the provision of medical assessments for serving and former police officers for ill health retirement and injury on duty awards. The administrative processes adopted by the predecessor to the Board, The Police Authority for Northern Ireland, was such that it utilised the services of the RUC, including Pensions Branch and Occupational Health as the SMP to discharge the Authority's pension responsibilities.

Since 2003 the Board has contracted out the SMP role to Selected Medical Practitioners (SMP's) who conduct the assessment/reassessment processes, using their own administrative support & office facilities, on behalf of the NIPB. The Central Procurement Directorate (CPD) has guided the NIPB on the advertisement, assessment and award of the SMP contracts since 2003. The contracts awarded have been for a 3 year period with a possible 2 x 1 year extensions. The current 3 year contract was due to expire on 31 March 2014, however, two 1 year extensions have been granted and a further extension for 6 months to 30 September 2016. The contract prices were fixed for the first 3 years after which the contractor requested an increase in the contract fees as part of negotiating extensions.

With effect from 1 April 2016 the assessment/reassessment and reconsideration fees with the current contractor are [REDACTED] and [REDACTED] respectively. The original fees were [REDACTED] and [REDACTED] increasing to [REDACTED] and [REDACTED] respectively from 1 April 2014.

In England and Wales there is no overall single contractor and fees vary from police service to police service i.e. from [REDACTED] (based on a per diem rate) in Northumbria to [REDACTED] in Greater Manchester Police. It must be acknowledged that the scale of the pension burden for PSNI and NIPB is demonstrably greater than elsewhere in the UK due to the number of police officers retired under ill health and injury on duty.

The current process for administering an application is as follows:

- Receipt of application and collation of information from PSNI to verify information and injuries

- Case file preparation by Board caseworker
- Referral to SMP for assessment/reconsideration
- Assessment and report by SMP
- Board receipt and factual accuracy of report
- Applicant advised of outcome

The process can currently take up to 12 months due to a number of factors including:

- NIPB Staff shortages
- Delay in the information received from PSNI
- Delay in allocation of appointments and receipt of reports due to a reduced number of SMPs in current contract. (The number of SMPS in the current contract has reduced due to the contentious nature of this work).

Over the last five years, SMP conducted [REDACTED] assessments/reassessment and [REDACTED] appeal reconsiderations on behalf of the Board. The number of assessments in 2015/16 was [REDACTED] initial assessments, [REDACTED] reassessments and [REDACTED] appeal reconsiderations. It should be noted that the Board has no control over the number of applications submitted and there is a legislative requirement to process all applications received.

The Board's current caseload as at 1 June 2016 is approximately [REDACTED] assessments, [REDACTED] reassessments and [REDACTED] appeal reconsiderations, which includes a backlog of cases from previous years.

There are three types of reassessments:

- Requested reassessment where a former officer can request that his case is reassessed due to deterioration in the condition;
- Reassessment with a new condition – this is where a former officer can request a reassessment as outlined above and also adds a new injury condition;
- Scheduled reassessments – the Board is legislatively required to reassess all cases at suitable intervals.

The Board suspended all scheduled reassessments in 2013 pending a review of the Board's

<sup>5</sup> Claimants have the opportunity to have their case reconsidered by the SMP, prior to appeal to the DOJ, if they supply further supporting medical evidence – this is normally a paper based assessment

processes by Mr David Scoffield QC. Requested reassessments were initially suspended but recommenced in July 2013, approximately 30 were undertaken in 2015/16 and the same number is projected to be completed in 2016/17.

Previous to the suspension of reassessments the Board also ceased Customer Satisfaction Surveys as a number of challenges and complaints were being received in relation to the reassessment of Over 65s. The Board will initiate Customer Satisfaction Surveys as part of this project and commence recording complaints following implementation of the case management system.

In preparation for the lifting of the suspension and the recommencement of reassessments a new policy will be drafted and consulted upon and is due to be implemented by 1 April 2017. Therefore it is projected that there will be a higher number of reassessments (i.e. 160 to address the backlog (until Year 4) and to address the ongoing requirement to reassess and requested reassessments (i.e. 70 and 30 respectively from Year 4 onwards).

The average number of assessments and appeal reconsiderations is based on an estimation of 3 hours for an SMP to conduct an assessment and 1.5 hours for appeal reconsideration (including preparation, appointment and report writing).

**Figures for the past 3 years:**

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
<b>Assessments</b>	414	254	228
<b>Reassessments</b>	1	0	60
<b>Appeal reconsiderations</b>	1	64	108

**Projected figures for the next 5 years:**

	<b>Y0 2016/ 17</b>	<b>Yr1 2017/18</b>	<b>Yr 2 2018/19</b>	<b>Yr 3 2019/20</b>	<b>Yr4 2020/21</b>	<b>Yr 5 2021/22</b>
<b>Assessments</b>	114	228	228	228	228	114
<b>Reassessments</b>	30	160	160	160	100	50
<b>Appeal reconsiderations</b>	54	108	108	108	108	54

## SECTION 3 – OBJECTIVES AND CONSTRAINTS

Project Objectives	Measurable Targets
<p>1. To provide an effective and efficient SMP assessment</p>	<p>1.1 Increase by [REDACTED] the number of injury on duty applications processed by 31/03/18 compared to [REDACTED] processed in 2015/16.<sup>6</sup></p> <p>1.2 Reduce the time taken to process injury on duty cases ready for referral by [REDACTED] by 31/03/18 compared to [REDACTED] months in 2015/16.</p> <p>1.3 To reduce the backlog of [REDACTED] reassessments year on year by [REDACTED] by 31/03/20</p>
<p>2. To improve user (the Board) experience</p>	<p>2.1 Experienced SMPs will improve the decision making and reduce the number of reports returned due to errors – a target will be included in the SMP contract of no more than [REDACTED] of reports returned within a 12 month rolling period compared to [REDACTED] in 2015/16.</p> <p>2.2 Reduce by [REDACTED] the time taken for completion of SMP reports from date of assessment compared to an average number of [REDACTED] days in 2015/16.</p>
<p>3. To ensure that the assessments are conducted in accordance with Regulations.</p>	<p>3.1 The Board will put in place appropriate performance management/contract management processes with the SMP by 1/10/16 (taking account of the PNB guidance)</p>

<p>4.To improve customer (applicant) experience</p>	<p>4.1 Establish a baseline of customer satisfaction (via survey) – by 31/10/17.</p> <p>4.2 Increase customer satisfaction by ██████ by 31/03/18 compared to baseline above.</p> <p>4.3 Reduce number of complaints received by ██████ per year – to be quantified using the case management system once installed.</p>
<p>5 To ensure independence of the SMP process</p>	<p>5.1 Perform checks in all cases to establish whether SMP has previously treated applicant.</p> <p>5.2 SMPs to notify the Board if a conflict of interest arises at the earliest opportunity.</p>
<p><b>Constraints</b> <span style="float: right;"><b>Measures to address constraints</b></span></p>	
<p>1. Financial – limited budget which may face in year or future years reduction as the Board's overall budget is reduced</p>	<p>1.1 Budget cover will be prioritised within the NIPB's funding allocation</p>
<p>2 PSNI Resources - Impact of PSNI branch not sufficiently resourcing the requirement to provide information to the Board on a timely basis</p>	<p>2.1 The Board maintains regular contact with relevant PSNI Branches regarding the current and anticipated caseload.</p>

## SECTION 4 - IDENTIFICATION AND DESCRIPTION OF OPTIONS

Option Number/ Description	Shortlisted (S) or Rejected (R)	Reason for Rejection
<p><b>1. STATUS QUO - The Board issues a competitive tender to market (extending to the whole of the UK) to appoint a private sector service provider who would be required to have a minimum of three SMPs to carry out this function.</b></p>	<p><b>S</b></p>	
<p><b>2. DO NOTHING - The Board ceases to accept any new applications and conduct no further reviews</b></p>	<p><b>R</b></p>	<p>Legislation is in place which specifies the Board has a responsibility to consider new applications and conduct IOD reviews.</p>
<p><b>3. NIPB employ directly Selected Medical Practitioners (to work from Board premises)</b></p>	<p><b>S</b></p>	
<p><b>4. That PSNI OHW act, on behalf of the Board, to undertake the assessments and reviews</b></p>	<p><b>R</b></p>	<p>Likely to have had prior engagement with police officers and may therefore risk perception of independence.</p> <p>PSNI OHW does not have sufficient Occupational Health specialists and would therefore not have the capacity to undertake the number of assessments and reviews currently required.</p> <p>Time required to propose this option to PSNI and put arrangements in place.</p>
<p><b>5. NIPB to set up an 'approved call-off list'<sup>7</sup> of service providers to act as SMP based on customer choice (working from the Board's premises) for a fixed fee.</b></p>	<p><b>S</b></p>	

<sup>7</sup> Recital Four of the Public Contracts Regulations 2015

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## **SECTION 9 – FINANCING, MANAGEMENT, PROCUREMENT, MONITORING AND EVALUATION**

Funding for this project will be provided from within existing Policing Board baseline budget. The Policing Board has the staffing resource already in place and has made provision within its budget.

The PSNI has its staff resource and funding in place and the costs incurred from ill health retirement and Injury on duty will be met from within PSNI's budget each year of the project. The project is considered affordable and no additional funding is sought.

The SRO for the project is Jenny Passmore, NIPB Acting Director of Policy and the lead official is [REDACTED], Project Manager. Support for the project will be provided by Police Administration Branch. There are no significant staff, Trade Union or management issues identified. Options 1 and 5 present an issue in terms of accommodation for the SMP which can be accommodated within Waterside Tower.

CPD has advised the Board that the approach is acceptable under the Public Contracts Regulations 2015. The contract will allow the Board to develop an approved list and provide for customer choice as requested by CPD. "Situations where all operators fulfilling certain conditions are entitled to perform a given task, without any selectivity, such as customer choice and service voucher systems, should not be understood as being procurement but simple authorisation schemes (for instance licences for medicines or medical services).

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	<b>Monitoring</b>	<b>Evaluation</b>
<b>Who</b> will be responsible for monitoring and evaluation (the organisation, division, post);	Head of NIPB Police Administration Branch	Project Manager
<b>What</b> factors (e.g. costs, outputs, outcomes) will be monitored and evaluated, and <i>how</i>	Costs of the service will be monitored in line with the NIPB's financial governance and a schedule of referrals will be produced. A contingency of 10% will also be held back for the year end to cover	Costs will be evaluated against agreed annual budget.  Outputs and outcomes will be evaluated through performance reports

	<p>any increase in serving officer and retrospective applications.</p> <p>Outputs will be monitored in line with Performance/contract management processes with the SMP.</p> <p>Outcomes will be monitored against targets set for the SMP</p>	
<b>What</b> staff and other resources will be required;	Branch Head and Branch Staff Officer	Branch Head and Branch Staff Officer
<b>Who</b> needs to be engaged;	SMPs, PSNI and NIPB Finance staff	SMPs, PSNI and NIPB Finance staff
<b>When</b> monitoring and evaluation will be undertaken (the intervals at which monitoring will occur, and the completion dates for evaluations);	Costs on a monthly basis Outputs and outcomes on a six monthly basis	31 March 2018
<b>How</b> the results will be disseminated, including identification of the target audience.	By report to the NIPB Chief Executive and the Resources Committee	By report to the NIPB Chief Executive and the Resources Committee

- [REDACTED]
- [REDACTED] offer the protection of contractual arrangements through CPD and are more favourable to [REDACTED] in that regard.

All options are based on estimates and assumptions of likely costs, as set out in Section 5. [REDACTED]

[REDACTED]

The table above summarises the relative rankings (1<sup>st</sup> to 3<sup>rd</sup>, where 1<sup>st</sup> is the most favourable and 3<sup>rd</sup> the least) of each option for costs, benefits and risks.

[REDACTED] compares more favourably to [REDACTED] [REDACTED] is the preferred option.

## SECTION 11 – CONCLUSION AND RECOMMENDATION

It is recommended, following appraisal of the options, costs, benefits and risks set out in this business case that NIPB sets up an 'approved list' of service provider to act as SMP. This is provided for under Recital Four of the Public Contracts Regulations 2015 and would operate in practical terms as follows

- The list is continually live and made available to all relevant personnel. It is the individual's choice to select who they want to undertake their assessment. The customer / individual's choice is the mechanism that distinguishes this arrangement from that of public procurement.
- Another important mechanism to retain is that of a set fee approach. A single rate should be applied through the contract.
- This structure/approach would be acceptable – it ensures transparency, non-discrimination and equality of opportunity, quality minimum standards and 'customer choice'.
- This option provides the Board with management responsibility for the whole scheme with direct performance management of SMPs.

APPENDIX A - C HAVE BEEN REMOVED

## SECTION 10 – OPTIONS APPRAISAL

The main differences between the options are:

- [REDACTED] is the direct appointment of an SMP through a recruitment process for employment. [REDACTED] involves a competitive tendering process and [REDACTED] would involve advertising (most likely through the website and relevant publications) the opportunity to join the NIPB list of approved SMP.

- [REDACTED]

- [REDACTED] offers customer choice. The list would always be open, in that if there are new requests to join the list, those requestors are assessed against the minimum standards and if they meet them are added to the list.

- [REDACTED]