



FREEDOM OF INFORMATION REQUEST

FOI Reference number: FOI 05/2015

Date: 16 March 2015

Request: i) Review of Police Administration Branch
ii) Internal Audit Follow Up Report

Answer: In accordance with the provisions of section 21 (1) of the Freedom of Information Act 2000, a public authority is not required to comply with a request for information if that information is already available to the applicant by other means.

Section 21 provides an absolute exemption. This means that if the requested information is held by the public authority, and it is reasonably accessible to the applicant by other means, it is not subject to the public interest test.

A redacted version of the information which you have requested is already available via the Board's Publication Scheme on the Board's website. For convenience, this information may be accessed via the link below;

http://www.nipolicingboard.org.uk/foi_302013_11.12.14.pdf

Turning to the redacted information, you will recall that the Board has already responded to a previous request for this information from you which we numbered as FOI 08/2014.

I must advise you that the Board still considers the exemption at section 36 (2) (c) (Prejudice to the Effective Conduct of Public Affairs) applies to the remainder of the requested information.

As you may also be aware from previous correspondence on this issue, the section 36 exemption is a qualified exemption and is subject to a Public Interest Test. I must inform you that in the circumstances of this request the Policing Board has again determined that the public interest in maintaining the exemption outweighs the public interest in disclosure. As such, the remaining requested information will not be released at this time.

A copy of our public interest test document 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

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
12 Cromac Place
Gasworks
Ormeau Road
Belfast
BT7 2JB.

Telephone: - 02890 269 380
Email: - ni@ico.org.uk

Please be advised that all Policing Board replies under Freedom of Information will 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 05/2015 – Section 36 (2) (c) Exemption “Prejudice to the 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

- “Review of Police Administration Branch”.
- “Internal Audit follow up report”.

Arguments in favour of disclosure of the requested information

1. Disclosure of the requested information would be in line with a public authority being open and transparent in how it transacts its business, and would help in promoting accountability.
2. Disclosure would also be within the overall spirit of the Freedom of Information legislation in asking public bodies to be open and transparent.
3. Work undertaken by the Board’s Police Administration Branch has prompted media interest in the past and, therefore, it could be argued that there is a public interest in releasing the requested information.
4. Release of this information may help inform the applicant about the protocols and practices that have operated within the Board’s Police Administration Branch.
5. The issues surrounding the operation of the Injury on Duty Award reviews at age 65 are current and generating debate amongst interested parties. The increased level of communication received by the Board from individuals, political representatives and stakeholder organisations highlights that the topic is of interest to sections of the community.

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

1. The contents and recommendations of the Internal Audit Report are being considered as part of an on-going review into the operation of the Board’s Police Administration Branch, which is itself part of the wider review into how the Board / Department of Justice conduct Injury on Duty medicals and reviews etc. A Project Manager was assigned and they assessed the functions, policies, processes and procedures being operated within the Board’s Police Administration Branch. As the outworking of this review process is still on-going, release of the requested unredacted information at this point in time could still adversely impact upon this, as questions received from interested parties around the contents of the Audit Report may require officials to defend their position in relation to both the Audit Report itself and what the review outcome may be. This is seen as premature at this time.

2. Release of the unredacted information now would adversely impact upon the operation of the Board's Police Administration Branch. An increased volume of correspondence received by the Board from individuals, political representatives and various stakeholder organisations on the issue of Injury On Duty (IOD) has significantly increased the work pressures on this small NIPB Branch. It is believed that release of the unredacted information at this time could generate an unsustainable increase in the volume of correspondence on this issue to be processed by the Branch.
3. Release of the unredacted information at this time could hinder and restrict the ability of Board Officials to have the necessary 'free thinking space' to fully consider the issues surrounding the operation of the Board's Police Administration Branch and the on-going review into the policy, practice and procedures for conducting Injury on Duty reviews.
4. The issues surrounding the operation of the Police Administration Branch and the on-going review into the policy, practice and procedures for conducting Injury on Duty reviews at age 65 are still being considered. A Working Group, chaired by the Board's Chief Executive, was established to take these issues forward. The Working Group consists of representatives from the Board, Department of Justice and several stakeholder groups (PSNI – Pensions Branch, NI Retired Police officers Association, Disabled Police Officers Association, Police Federation of Northern Ireland and the Superintendents' Association). As such, since these interested parties have had an avenue to assist in the review process, it is felt that the public interest in this work area is already sufficiently addressed at this time.
5. Release of the unredacted information into the wider public arena at this time could lead interested parties amongst the general public and amongst elected representatives to 'lobby' the Board on related issues, which could also hinder the review process currently on-going.
6. The release of this unredacted information is clearly of interest to the applicant, and may be of interest to other individuals who have a direct involvement with the ongoing 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.
7. In July 2013 the Board agreed to engage Senior Counsel to review the Board's existing administrative process concerning the application of the IOD Award scheme within the current statutory and policy framework. Mr David Scoffield QC was appointed to carry out the review. Mr Scoffield QC completed this review in November 2014 and his report was considered at a Policing Board meeting held on 4 December 2014. At that meeting Members agreed to adopt the report. However, the Board, along with all other key stakeholders, will require time to work through the recommendations contained within the Schofield report, and to consider and address the significant legislative and policy issues identified within the report.
8. Although the Board has agreed to adopt the Scoffield report, this is only one element of the wider review currently being undertaken by the Board into the administration of the IOD Award scheme. It does not automatically follow that because of the adoption of the Scoffield report that the time is also right for the Board to publish the full unredacted contents of the internal audit review into the Board's Police Administration Branch.

Result

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

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