



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number: 10/2013**

**Date: 19 March 2013**

### **Request:**

**Question 1.** Since 1 January 2012 to date, the number of formal complaints made to the NIPB relating to issues surrounding reviews, and appeal reconsiderations (Reg 31(2) under the PSNI 2006 Regulations.

**Answer 1.** The Board does not hold this information in a readily accessible form. In order to provide this information would require a considerable amount of manual investigation, working through manual files on an individual basis to determine if they related to your question. If you consider that you still require this information then contact me and I can provide a financial estimate of what it will cost you to receive the information, as it will cost in excess of the £450 current limit (section 12 (1) of FOIA refers).

Amended answer following Internal Review on 8 July 2013

If a letter from an individual raises issues or concerns in relation to the medical aspect of his / her case it is passed to Police Administration Branch to take forward. There is no documentation relating to this type of correspondence held or monitored by Policy Branch Officials. When such a letter is received by Police Administration Branch it is treated as normal business correspondence. This is the standard working practice and applies to all correspondence of this type. There is no deviation from this and there are no specific records held to identify the volumes of work that fall under this category. As the correspondence can potentially relate to any period throughout an individual's case history, which may consist of several case files, there can be no certainty that the letter would be placed on the most recent file. Therefore in order to identify the information each and every separate case file would have to be reviewed.

Having regard to the procedures set out above the Panel is satisfied that the Policing Board has correctly relied upon the provision of Section 12 (1) of the FOIA ie that the cost of complying with the request would exceed the appropriate limit which is £450.00 for the Policing Board.

The Panel further noted ICO guidance which states that where a public authority claims that section 12 is engaged, it should, where reasonable, provide advice and assistance to help the requestor to refine the request so that it can be dealt with under the appropriate limit.

The Panel agreed that in the specific circumstances of this request, given the nature of the information sought, there is no scope to provide advice and assistance to help refine the request so that it can be dealt with under the appropriate limit. Any attempt to extract the type of information sought, over any time period, would necessitate a systematic trawl of all the clerical files.

**Question 2.** The total number of those complaints which have been or are being investigated by NIPB under their complaint procedure.

**Answer 2.** The same answer as question 1.

Amended answer following Internal Review on 8 July 2013

In view of the fact that correspondence surrounding reviews, and appeals reconsiderations, are passed to Police Administration Branch to take forward, and that no formal documentation relating to the correspondence is held or monitored by Policy Branch Officials the following amended answer should be provided to this question:

- *There are no cases that fall within the scope of question 2 that are being dealt with under the Board's complaints procedure.*

**Question 3.** The total number of complaints which NIPB has either rejected or declined to investigate, together with information regarding the reasons for such.

**Answer 3.** The same answer as question 1.

Amended answer following Internal Review on 8 July 2013

In view of the fact that correspondence surrounding reviews, and appeals reconsiderations, are passed to Police Administration Branch to take forward, and that no formal documentation relating to the correspondence is held or monitored by Policy Branch Officials the following amended answer should be provided to this question:

- *There are no cases that fall within the scope of question 3.*

**Question 4.** Details of specific action implemented by NIPB, particularly following recent relevant judicial decisions and Pension Ombudsman determinations relating to Injury on Duty Awards, to ensure that all current non retired and retired officers in receipt of IOD awards are receiving their proper level of remuneration.

**Answer 4.** The Board has been asked to respond to 3 recent provisional decisions by the Pension's Ombudsman.

Amended answer following Internal Review on 8 July 2013

The Panel concluded that the response issued on 19 March 2013 did not provide a comprehensive answer to the question raised. While the considerations being given to the recent Pension Ombudsman's determinations are directly linked to the Board's obligations to

ensure that officers' cases are dealt with in accordance with the relevant legislation the Panel advised that:

- The Human Resources Committee at their meeting on 14 June 2012 and ratified at the Board meeting on 5 July 2012 agreed to:

*Approve a policy that a former officer must request a possible referral back to the Independent Medical Referee (IMR) within 3 months of being advised in writing of the IMR's decision. This time limit may however not be imposed in special circumstances such as the SMP / IMR decision which is deemed to be unlawful.*

- At a meeting with the Northern Ireland Retired Police Officers Association (NIRPOA) on 18 June 2012 the Police Administration Manager made reference to this decision. This was reiterated in a letter to the Chair of the NIRPOA on 27 June 2012. The letter was copied to a range of interested parties ie Disabled Police Officers Association Northern Ireland (DPOANI), Police Federation for Northern Ireland (PFNI) and the Department of Justice (DOJ). This was in an attempt to ensure all possible information sources accessed by serving and former police officers were made aware of the impact of the 'Simpson' and 'Howarth' judgements and the Board's policy on the referral back to the DOJ for reconsideration by the Independent Medical Referee (IMR).
- In February 2013 the Board established a working group to review policy and process in this area of work. The Board agreed to suspend reviews pending the outcome of the findings of the working group.

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  
12 Cromac Place  
Gasworks  
Ormeau Road  
Belfast  
BT7 2JB.

Telephone: - 02890 269 380  
Email: - [ni@ico.gsi.gov.uk](mailto:ni@ico.gsi.gov.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](http://www.nipolicingboard.org.uk).

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