



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 12/2015

Date: 16 March 2015

Request:

I was present at NIPB offices on 17 December 2014 on invitation to a presentation by the NIPB Chief Executive relating to the Scofield review/report. I seek the following notes/documentation under Freedom of Information from the four public servants who were at the presentation.

Copy of full notes/documentation used and recorded by the four public servants present. The response should clearly identify from who the particular notes/documentation are being provided e.g. CEO NIPB, Head of Pensions Branch etc.

Answer:

Please find attached a copy of the notes taken at the meeting for your information:

- Document marked as Appendix 'A' - Director of Policy Peter Gilleece
- Document marked as Appendix 'B' - Head of PSNI Pension Branch
- Document marked as Appendix 'C' - copy of the Chief Executive's (Sam Pollock) slide presentation.

Where redactions have been made this is to protect the personal data of a third party in accordance with Data Protection principles.

Please be aware that these notes (Appendix 'A' and 'B') were made solely for personal use. They were not intended to be used as a wider record that other people may refer to. Therefore they should not be treated as an accurate record of this meeting.

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: - 0303 1231114
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.

**NOTE OF A PRESENTATION TO STAKEHOLDERS ON THE SCOFFIELD REVIEW,
WATERSIDE TOWER, 17 DECEMBER 2014**

The Board's Chief Executive, Sam Pollock (SP), welcomed everyone present and advised the meeting would be recorded.

SP informed the meeting an overview of the Scoffield report would be provided, however, individual cases could not be discussed and personal remarks about staff would not be permitted.

SP advised invites were issued to organisations and individual representatives who have been involved in the review of the Board's Injury on Duty (IOD) Award process.

SP stated from the time of his appointment to the Board IOD Awards has been one of the most contentious issues he has had to deal with. SP provided background to the Board's decision to instruct Senior Counsel, David Scoffield QC, to undertake a review of the IOD Award process, including the Simpson case and significant pressure faced by Police Administration Branch staff. The Board agreed to suspend IOD Award reviews, however, officers could still request a review.

Police Administration Branch is currently receiving a high volume of new applications compared to police services in England and Wales. The Board has faced budget cuts, however, additional staff were engaged in Police Administration Branch to deal with the workload. SP also informed the meeting of the Board's current IOD workload and increasing costs.

SP highlighted six limitations identified in the Scoffield report and listed the recommendations contained in Chapter 14. SP commented on a number of the findings and in particular emphasised the responsibility for fixing issues lies with the Department of Justice who create the regulations and provide guidance.

With respect to the sixth limitation in respect of staffing resources within the Board, SP advised the Board has a duty of care to its staff which will be addressed.

SP advised the full Scoffield report would not be published, however, a copy had been given to the Department of Justice. SP stated he is aware a copy of the report has been leaked. SP informed the meeting a copy of Chapters 1 and 14 will be published on the Board's website, along with the presentation slides from today's meeting and an update letter to interested parties.

SP stated the Board will not be in a position to take calls or respond to correspondence on issues contained in the Scoffield report until discussions with the Department of Justice have been completed. SP referred interested parties to political representatives and Board Members to seek updates on progress.

SP opened the discussion up for questions, a number were raised on the following issues:

- Reinstatement of IOD Awards;
- Double recovery;
- Cancellation of reviews;
- Publication of information on the Board's website.

SP closed the meeting and thanked everyone for attending.

This is a copy of the notes I took for my own personal record of the meeting at NI Policing Board, Waterside Tower on 17th December 2014. These are not to be treated as accurate record of this meeting.

Scofield Review

Sam Pollock Chaired the meeting he advised that invites to the meeting had been sent to those who have been involved in the review of Injury on Duty process and opened it up to interested parties.

Local Representatives, MLA's and MP's, he advised that this one of the hardest issues Sam Pollock has had to deal with. Staff were under siege with the sheer volume of work staff being under pressure. This resulted in staff having to take off which lead to a high level of staff absence among the staff in Administration Branch.

NIPB decided to issue a review to assist with the process. NIPB did not make these issues, the Simpson case, and the withdrawal of the Home Office Guidance and then the NIO withdrew their Guidance. This was the only guidance the NIPB had. In the Simpson case it cited that guidance was not regulations, this left the NIPB with a vacuum. The NIPB were being accused of making illegal decisions. Sam Pollock advised this was all new to him he had never been involved with this type of issue.

The group met and decided that we had a large problem and agreed to suspend reviews which were perceived by the court as illegal. NIPB didn't want a Judicial Review of their decisions. This wouldn't fix the problem it only delayed it. Officers still had the right to be reviewed if they asked for this.

Peter Gilleece and Sam Pollock decided that the procedures needed to be looked at and decided to engage a QC. The Crown Solicitors Office were consulted and they recommended David Scoffield QC. They deemed him as being able to give a review of the Injury on Duty and Ill Health Retirement process. The NIPB agreed to commission David Scoffield in July 2013. Terms of Reference (TOR) were set by NIPB but they didn't set any prerequisite of what should be reviewed. David Scoffield had full access to all documents in relation to IOD's and he had to identify any weakness in the NIPB process. He had access to Pension Ombudsman Mal Administration determinations which were made against NIPB. Sam Pollock advised that he took these decisions personally, he has been in Public Administration during his career and had never had a Mal Administration levelled against him.

Administration Branch are currently receiving 10 to 15 new applications per week in comparison the London Metropolitan Police receive 22 applications per year. This gives some idea of the sheer volume of work the staff are dealing with. A Branch of 7 staff and a budget reduced staff from 62 to 52 overall. I haven't reduced the staff in Admin Branch I increased the staff by putting in some Agency Staff 3 left recently.

Admin Branch have 500 reviews and 200 appeals a backlog over 2,300 cases. A budget which has increased from £15m to £24m per year and this year it is expected to be £28m. Sam Pollock advised that he has nothing to conceal and the Scoffield Report is the NIPB's report and the advice was given to NIPB and he stands by that. I know it has been leaked but it will not be given out into the Public Domain. He advised why would I share the report with DOJ (NI) who have their own Departmental Solicitor's Office. The only people who can put this right are DOJ (NI) so I shared the Scoffield Report with them as legislative change is required.

There is the issue of Double Recovery claiming through the courts for compensation and then claiming an IOD it just doesn't feel right. There

must be guidance from DOJ (NI) on this issue. NIPB cannot fix the regulations. This is for your representatives to fix this through the NI Assembly. The Board cannot operate without regulatory guidance.

NIPB have a duty of care to its own staff and the sheer volume of work and the complexity of the IOD scheme makes this the most challenging of issues and something must be done to change it.

Chapter 14 sets out the recommendations I am just going to go through some of these.

13. Reviews are not being reinstated until the law tells me otherwise.

14. Permanent means just that.

15. SMP's/IMR's to mark cases as permanent only in exceptional cases.

57 cases were reviewed and reduced these need to be reinstated, DOJ (NI) decided they could not be reinstated as this was illegal. NIPB have to await DOJ (NI) decision in relation to these cases. NIPB have to look at previous decisions to reduce IOD's.

Police Federation are seeking consultation with NIPB on the 2015 Police Pension Scheme in relation to Ill Health Retirement and IOD under the new regulations coming in on 1st April 2015.

██████████ – double recovery, compensation based on future loss of earnings calculation reduction because of IOD pension in payment.

Sam Pollock advised he would have to seek permission from DOJ (NI) before the Scofield Report could go onto the NIPB website.

Sam Pollock closed the meeting and “Thanked” everyone for attending.

[REDACTED]

Head of PSNI Pensions Branch

Signed :- [REDACTED]



Scofield Review

December 2014

- This meeting is being recorded. **ALL SPEAKERS ARE ASKED TO IDENTIFY THEMSELVES BEFORE MAKING COMMENTS.**
- This presentation aims to provide an overview of the Scofield Review. Chapters 1 and 14 have been disseminated, however, the remaining chapters are subject to legal privilege and will not be shared.
- There can be no discussion of individual cases during today's presentation.
- The Board has received a number of inappropriate personal comments about the Board's staff. Personal comments will not be tolerated and if any such comments are made you will be asked to leave.

Background

- In light of the Simpson judgment in February 2012, Home Office Circular 46/2004 and the reciprocal Northern Ireland Office Circular 06/2007 were withdrawn (the latter by the Department of Justice, DOJ).
- Following a number of concerns raised by former officers and various representative groups a decision was taken by the Board in March 2013 to suspend the review of injury on duty awards. A working group chaired by the Board's Chief Executive and comprising various stakeholders was also established.
- In July 2013 the Board agreed to engage Senior Counsel to review the Board's existing administrative process within the current statutory and policy framework. Mr David Scoffield QC was appointed to carry out the review.

Terms of Reference

- Consultation with stakeholders;
- An examination of the legislative landscape and regulatory policy framework for the administration of injury on duty awards, including any limitations;
- Consideration of recent Pensions Ombudsman and Medical Appeal Tribunal decisions;
- Analysis of the processes and procedures followed by the Board in accordance with legislation and policy; and
- Identification of any limitations in the legislative framework and policy guidelines.

IOD Awards – NI v E&W

- The Board are currently receiving an average of 10-15 new applications per week. The Metropolitan Police service, with over 30,000 officers receives on average 22 applications per year.
- In 2013/14 the Board processed 325 cases. Currently we have approximately 500 applications, 500 reviews and 200 appeal cases.
- From available information no police service in England and Wales has more than 650 IOD Awards in payment. In NI there are over 2,300 in payment. The total cost of IOD Awards has increased from £15.1 million in 2007/08 to £24.4 million in 2013/14.
- The cost to date this year is £17 million and is expected to rise to £28 million by year end.

Scofield identified six limitations (Chapter 1)

1. Cumbersome decision-making process under the regulations – medical/non-medical questions
2. Nature and purpose of IOD Awards
3. Time limit for retrospective applications
4. Double recovery – civil claims and IOD Award applications
5. Absence of guidance on the ill-health retirement and IOD Award schemes

Limitations 1- 5 must be addressed by the DOJ. The Board's role is that of administrator in this process following the legislation and guidance of the DOJ.

6. Resources – Board staff and duty of care

David Scoffield Recommendations (Chapter 14)

1. Consider major reform of the IOD Award scheme
2. Regulations to deal expressly and unambiguously with intent of IOD Award Scheme
3. Simpler decision-making process under the Regulations
4. Introduce a time limit for retrospective applications
5. Cease double recovery
6. Consider moving the IOD Award administration from the Board to PSNI
7. NI specific guidance



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David Scoffield Recommendations (Chapter 14)

8. Consider more basic assessment using Bands only
9. Review definition of “permanent”
10. Guidance to SMPs and IMRs
11. Review intervals to be decided on medical advice
12. Amendment to permit reviews based on medical evidence without reference to an SMP, where appropriate
13. No automatic reviews of officers at age 65 or CRA
14. Cease reviews of cases marked permanent
15. SMPs/IMRs to mark cases as permanent only in exceptional cases



Northern Ireland

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Action Plan - Responsibilities

- The Department of Justice will be responsible for addressing limitations 1 – 5. In order to address these issues the Department has advised it will:
 1. Carry out a review of the policy intent behind the IOD Award Scheme;
 2. Review the issue of over 65 reviews and provide guidance;
 3. Examine the issue of double recovery claims; and
 4. Consult on draft IOD regulations in 2015.

- The Board is working to address the pressures faced by staff in the administration of the IOD Award Scheme (limitation 6). It is envisaged this issue will be lessened by the Department addressing the limitations in respect of the legislative and policy framework for the IOD Award Scheme.

How can you help?

- Update your Members on today's meeting
 - Direct individuals to the NIPB Website – there will be a dedicated section on Scofield Review
- Encourage others to refrain from contacting the Board – updates will be issued by letter and on the website

The Scofield Report is currently with the DOJ for consideration. As such the Board is not in a position to answer questions on any action that will be taken to address the recommendations. It would therefore be appreciated if individuals would refrain from contacting the Board as this only holds up efforts to progress this work.



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 12/2015(b)

Date: 21 April 2015

Request:

Did the 4th public servant use or record any notes. If yes why were they not included in the response? Can they now please be provided as an additional FOI response?

There appears to be notes recorded in respect of questions raised from the floor during and at the end of the presentation. What record exists of the questions raised and will that record now be made available

Answer:

The response provided as part of FOI 12/2015 comprises all notes held in respect of the meeting on 17 December 2014.

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:

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