



## FREEDOM OF INFORMATION REQUEST

FOI Reference number: FOI 13/2013

Date: 24 April 2013

### Request:

1. Have Police Support Staff, a legally binding Contract of Employment?

(If there is please forward me a copy)

2. Have Police Support Staff, been discriminated against, as set down in sex, and equal pay legislation?
3. Have Police Support Staff, suffered "Maladministration through PBNi and/or PSNI, in relation to the absence of, Equal Pay Lump Sum payments to us.

### Answer:

I will respond to your request for information in the order received;

- 1: Have Police Support Staff, a legally binding Contract of Employment? (If there is please forward me a copy)**

The Management of Personnel is covered within point 5 of section 4, part 2 of The Police (Northern Ireland) Act 2000, the details of which can be accessed by clicking the link below and which are copied overleaf for your reference.

The Legislation clarifies that the function of controlling staff which would extend to *Contracts of Employment is for the Chief Constable of the PSNI to manage, on behalf of and in the name of the Board.* NIPB would not hold this information but PSNI Corporate HR should be able to assist further.

<http://www.legislation.gov.uk/ukpga/2000/32/section/4>

*(5) The following functions of the Board shall be exercised, on behalf of and in the name of the Board, by the Chief Constable—*

*(a) the power to direct and control senior employees of the Board and all other powers and duties of the Board as employer of such employees, other than the power to appoint and dismiss;*

*(b) the power to appoint and dismiss other employees, the power to direct and control such employees and all other powers and duties of the Board as employer of such employees;*

*(c) the power to direct and control persons providing assistance to the police in pursuance of arrangements under subsection (4).*

**2: Have Police Support Staff, been discriminated against, as set down in sex, and equal pay legislation?**

The Freedom of Information Act states that you have a legal right to request any recorded information held by a public authority but the authority does not have to answer your question if this would mean creating new information or giving an opinion or judgement that is not already recorded. (See bullet point 3 - [http://ico.org.uk/for\\_the\\_public/official\\_information](http://ico.org.uk/for_the_public/official_information) ).

On that basis NIPB cannot answer your question as it would mean creating new information or giving an opinion or judgement that is not already recorded. You will be aware that the recent ruling passed by Judge Babington found that NIPB did not discriminate against Police Support Staff.

**3: Have Police Support Staff, suffered "Maladministration through PBNi and/or PSNI, in relation to the absence of, Equal Pay Lump Sum payments to us.**

As per the response to number 2, NIPB cannot answer your question as it would mean creating new information or giving an opinion or judgement that is not already recorded. You will be aware of the recent ruling where Judge Babington ruled that there was no liability for PSNI and NIPB in relation to Equal Pay lump sums.

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.