



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 15/2013

Date: 2nd May 2013

- Request:**
1. *"I request information and full details as to the reason this suspension has been implemented so as to assess if this has an implication on my appeal".*
 2. *"Secondly having read the guidance leaflet kindly sent out to myself I notice there is no information concerning the impact of the Judicial Review of 'Laws U' concerning the Police Officer who was wrongly penalised for completing a Law degree. Having had to endure the suspension of the medical reviews please forward a copy to me of the specific instructions given to SMPs with regard to this judicial review and the ageism review for my information".*
 3. *"Thirdly I request information on the pay structure and the bonus system in place for SMPs in Blackwell Associates as lead down by the Policing Board and paid for at public expense".*
 4. *"Also I make application for a copy of the Policing Boards Complaint Policy together with a copy of the SMP Complaints procedure to be forwarded to myself".*

- Answer:**
1. From 7 March 2013 the Policing Board agreed to suspend reviews of injury on duty (IOD) awards until the end of August 2013. The decision was taken by the Board following a recommendation from the Human Resources Committee on 20th February 2013.

The background to the decision is recorded in the 20th February 2013 meeting minutes of the Human Resources Committee, and is included below for your reference;

- “The Chief Executive advised Members about the policy and procedures in relation to Injury on Duty Awards, Reviews and Appeals. He explained that until February 2012 there was Guidance from the Home Office which was followed in Northern Ireland regarding Injury on Duty Awards. There had been two Judicial Reviews which rendered the Guidance unlawful, and had major impact on current working arrangements. The Crown Solicitor’s Office had advised that it was within the discretionary element of the Board’s statutory responsibility to determine when reviews could be carried out. In view of this the Chief Executive proposed that the Board should suspend all reviews, unless an individual Officer wished a review to take place. A Working Group had been established to take the issue forward.

Following discussion it was agreed to:-

RECOMMEND:

To the Board that the review of Injury on Duty awards should be suspended until the end of August 2013 unless an individual Officer wishes a review to take place”.

Concern has since been expressed that if the policy is suspended then it is not possible to conduct any reviews.

2. Blackwell Associates have been advised of the Board’s decision in relation to the review of IOD Awards. A working group chaired by the Board’s Chief Executive and comprising key stakeholders has been set up to consider the current policies and procedures for the review of Injury on Duty awards. This will include the implications of any relevant Judicial Reviews.

3. The Policing Board does not hold the information requested.

4. The Policy For Dealing With Complaints Against The Policing Board can be accessed via the Board’s website at the following link;

http://www.nipolicingboard.org.uk/contact-us/make_a_complaint.htm

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.

NORTHERN IRELAND POLICING BOARD

POLICY FOR DEALING WITH COMPLAINTS AGAINST THE POLICING BOARD

Part One

Raising A Concern

1. Anyone who is not satisfied with any aspect of the Policing Board's services or actions has the right to have their concerns addressed. This can be done either by contacting the Chief Executive of the Board verbally (by telephone, text phone, or by calling in to the Board's offices) or in writing (by letter, fax or e-mail).

Depending on the nature of the concerns raised the Chief Executive may then nominate the relevant Director to deal with the concerns and act as the main point of contact.

Every effort will be made to deal with concerns raised in an informal way to the satisfaction of all concerned. If it is not possible to do this, the complainant can subsequently, or in the first instance, request that the formal complaints procedure be invoked. This is detailed in Parts 2, 3 and 4 below.

Part Two

Making a Formal Complaint to the Chief Executive

2. In order to effectively deal with a formal complaint, the complainant must put into writing the specific issues they wish to complain about.

In the first instance all complaints should be addressed to the Chief Executive of the Northern Ireland Policing Board. Depending on the nature of the complaint the Chief Executive may then nominate the relevant Director to deal with the complaint and act as the main point of contact for the complainant.

Registering and acknowledging a complaint:

3. The complaint will be registered and acknowledged within three working days and the complainant will be provided with a copy of the Board's complaints policy. We will treat complaints impartially and with appropriate sensitivity.

4. If the complaint is against a specific member of staff, it will be investigated by the person's manager, who will report to the appropriate Director.

5. If the complaint is about a general service, policy or procedure of the Board, it will be investigated by the appropriate Director.

Responding to the complainant:

6. In either case, the Director will respond to the complainant within 20 working days of receiving the complaint. If there are any delays in the investigation of the complaint, the complainant will be informed of this and provided with a further date for a response.

If the complainant remains dissatisfied:

7. If, after receiving the response to their complaint from the Director, the complainant remains dissatisfied they may complain directly to the Board's Human Rights and Professional Standards Committee, in accordance with the procedures set out in part three of this policy.

Part Three:

Making a formal complaint to the Human Rights and Professional Standards Committee:

8. A complaint to the Human Rights and Professional Standards Committee must be made in writing (by letter, fax or e-mail). The complaint must be made within 30 days of the date of the Director's response to the original complaint.

Procedure for dealing with the complaint:

9. Officials who support the Human Rights and Professional Standards Committee will:

- make sure that the complaint is registered and acknowledged within three working days;
- make sure that all relevant paperwork is put together by the appropriate Branch;
- bearing in mind the date of the next meeting of the Committee, if necessary liaise with Secretariat to convene a special meeting to consider the complaint;
- within 20 working days of the date of receiving the complaint, inform the complainant when their complaint will be looked at by the Committee;
- prepare a paper for the Committee analysing the nature of the complaint and setting out the process, procedure or action that has given rise to the complaint;
- suggest remedial action, if any, that needs to be taken to make sure that the Board's processes, procedures or actions do not give rise to similar complaints.

10. Members of the Human Rights and Professional Standards Committee will consider the complaint and agree how best it can be dealt with. It may be that:

- the policy, process or procedure complained about has been analysed and found to be appropriate and/or in line with existing legislation and/or best practice;

- the policy, process or procedure complained about has been analysed and is flawed in some way, or could be improved, and consideration should be given to changing it accordingly;
- the complaint is about the way in which an officer of the Board has administered a policy, process or procedure and as a result a management or training issue has been identified and needs to be addressed.

11. The Committee's recommendations regarding the complaint should be referred to the Corporate Policy, Planning and Performance Committee in accordance with the Board's Standing Orders.

12. Within 10 working days of the Corporate Policy, Performance and Planning Committee meeting, the complainant should be advised of the considerations of that Committee in respect of their complaint.

Remedial action:

13. Where it is concluded that a flawed policy, process or procedure has given rise to the complaint, the Human Rights and Professional Standards Committee should bring this to the attention of the Chief Executive of the Board, and/or the Chair of the Committee responsible for the policy, process or procedure.

14. The Human Rights and Professional Standards Committee will monitor all complaints received by the Board, both those dealt with informally in accordance with Part One of this document and those dealt with by either of the formal routes in accordance with Parts two and three of this document. The Chief Executive of the Board will supply the Committee with a six monthly report on the issues raised/complaints made; how these have been addressed or progress being made in dealing with them. This report will include details of, where appropriate, how, and within what time-scale, the flawed policy, process or procedure will be changed.

15. It will be the responsibility of the Human Rights and Professional Standards Committee to make sure that the policy, process or procedure is satisfactorily changed.

16. All Directors should establish adequate processes within their Directorates to ensure that their staff are fully aware of the details of this policy and that the Chief Executive is provided with the information to enable him to provide comprehensive reports to the Human Rights and Professional Standards Committee.

Office of the Northern Ireland Ombudsman:

17. If, after Part 3, the complainant remains dissatisfied they may complain to the Office of the Northern Ireland Ombudsman, in accordance with its complaints procedures.

18. When informing the complainant of the outcome, following consideration of their complaint by the Human Rights and Professional Standards Committee, they should be directed to the Office of the Northern Ireland Ombudsman to investigate if they remain dissatisfied.

Compensation/financial recompense:

19. The Board and its committees do not have any power to pay compensation or make any other financial recompense in respect of any complaint which is upheld. Instead, effort needs to go into rectifying the processes or procedures at fault to make sure they do not give rise to any future complaints.

Conflict of interest:

20. Complaints about the Board are likely to be about policies, processes and procedures, or about Board staff, and as such it is unlikely that conflict of interest issues will arise. However, should any Member feel that there is a conflict of interest, they should advise the Chair of the Human Rights and Professional Standards Committee, of the nature of that conflict. The Member will then be asked to exempt themselves from any involvement in considering the complaint.

21. Where a number of Members from the Committee are exempt from considering a complaint (as defined above) so that less than three Members remain, the Chair of the Committee must make arrangements for one or more Board Members, who are able to consider the complaint, to attend the Committee for the purposes of considering the complaint only.

Responding to the complainant:

22. It is important that complainants are kept informed of the progress of their complaint through the Human Rights and Professional Standards Committee. Officials supporting the Human Rights and Professional Standards Committee must:

- make sure that the formal complaint is registered and acknowledged within three working days of receiving the complaint, and that the complainant is provided with the Board's complaints policy;
- within 20 working days of receiving the complaint, inform the complainant of the date on which their complaint will be considered by the Human Rights and Professional Standards Committee. They should make sure that the complainant has a minimum of 14 days notice of the date of the meeting in case they wish to make any further written representations. If so, the complainant must do so at least seven days in advance of the meeting.
- Within 10 working days of the meeting inform the complainant of the outcome and what remedial action if any, the Committee has recommended. Complainants should be advised that if they remain dissatisfied with the outcome they may apply to the Office of the Northern Ireland Ombudsman to investigate their complaint using the following details:

Northern Ireland Ombudsman, 33 Wellington Place, Belfast, BT1 6HN

Tel: (028) 9023 3821 **Fax:** (028) 9023 4912

Record Number 212303

Email: ombudsman@ni-ombudsman.org.uk **web:** www.ni-ombudsman.org.uk

Review of this policy:

23. This policy will be reviewed every 12 months alongside a summary of the concerns raised/complaints made arising in the 12 months, the outcomes and the remedial action taken.

Screening the policy for Section 75 issues:

24. This policy has been screened in relation to Section 75 issues, and it was concluded that an equality impact assessment was not required. This will be reviewed as above in the light of complaints received.