

FOI 27/2015

In November 2015 the Information Commissioner's Office commenced an investigation into the Board's handling of this request for information.

During the course of this investigation the Board withdrew its reliance on the exemption at Section 36 (2) (c) of the Freedom of Information Act (Prejudice to the Effective Conduct of Public Affairs).

The Board issued a revised response to the applicant on 15 January 2016 – please see attached.



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** FOI 27/2015

**Date:** 15 January 2016

**Request:** **FOI 27/2015**

1. Confirm dates of meetings with NIPB and the appointed SMP for the period 1.10.14 to present date.
2. Copy of minutes of all meetings held with the SMP/NIPB for the period as per No 1.
3. Copy of any and all correspondence issued to the SMP by NIPB, relating to the Scofield report, following acceptance by NIPB of the Scofield report.
4. Copy of any instruction/direction issued to the SMP by NIPB relating to the forthcoming reconsiderations under Regulation 31(2) IOD Regulations 2006, of previous review cases conducted unlawfully by NIPB in respect of IOD retirees having reached 65 years.

**Answer:**

1. The Board (NIPB) met with Blackwell Associates Ltd, who act as SMP, on the following dates within the stated period - 13 October 2014 2 December 2014, 15 December 2014 and 26 January 2015.
2. A copy of the minutes of each of the meetings (detailed at point 1 above) are attached.
3. A copy of an email issued to the SMP by the Board, within the period covered by this request, is attached.
4. The Board does not hold the information requested, as no instruction/directions were issued to the SMP by the Board relating to the reconsiderations within the period covered by this request.

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  
3<sup>rd</sup> Floor  
14 Cromac Place  
Ormeau Road  
Belfast  
BT7 2JB.

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

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

**Minutes of meeting between the Northern Ireland Policing Board and Blackwell Associates (SMP) on Monday 13 October 2014 @ 10.00 pm**

**1. In attendance**

**NIPB** – [REDACTED] – *Police Admin Branch*

**SMP** – [REDACTED]

[REDACTED]

[REDACTED]

**2. Apologies - [REDACTED]**

**3. Minutes of the last meeting**

The minutes of the last meeting were agreed.

**4. Review of contract performance since the last meeting**

(a) Appointment of additional doctors

It was noted that the security clearance of one additional SMP was completed. Training has been arranged for 27 October 2014. NIPB will email suitable dates for induction at their location.

(b) Invoices

[REDACTED] advised that there is one invoice outstanding.

(c) Budget

[REDACTED] advised that due to budget pressures, the contract was being closely monitored.

## **5. Number of New cases**

The number of new IOD applications has recently reduced while appeals have increased. There was now over 580 live cases, approx. 206 appeals and 500+ reviews being held.

## **6. Recent Case Law**

█ reported that Senior Counsel has reported and the various stakeholders are meeting to discuss all of the issues.

## **7. Security Inspection Update**

█ confirmed that a meeting has been arranged tomorrow with PSNI Estate Services to discuss the issue of on and off site storage for NIPB and Blackwell's excess files.

## **8. New IOD Scheme and present suspension of IOD Reviews**

█ reported that work on the new IOD scheme is still ongoing and the IOD reviews remain in suspension until the outcome of the Senior Counsel review.

## **9. New Police Pension Scheme**

The new Police Pension Scheme is due be introduced with effect from 01 April 2015. SMPs will be briefed on the new scheme and the implications in due course. Changes include a two tiered ill health retirement and the setting up of a Pension Board.

## **10. Consent to Allow OHW to see Outcome Letter**

A request from █ to have sight of the outcome letter of each case was discussed. █ is keen to have this request added onto the consent form but will have to explain to each applicant the reasoning behind it. █ will ask █ to formally write to █ explaining the reasons behind his request.

## **11. Date of Next meeting**

It was agreed for the next meeting would take place on Monday 15 December 2014 @ 10.00 am.

## **12. Any other Business**

There being no further business the meeting closed at 10.45 am.  
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**Notes of meeting between the Northern Ireland Policing Board and Blackwell Associates (SMP) on Tuesday 2 December 2014 @ 09.00 pm**

**1. In attendance**

*NIPB – Peter Gilleece – Police Admin Branch*

[REDACTED]  
*SMP – [REDACTED]*  
[REDACTED]

The meeting was requested by [REDACTED] to discuss the implications of budget cuts. He explained the difficulties associated with stopping referrals and then starting them up again in a few months. He voiced his concern at this and the difficulty in recruiting doctors into this field of work.

Peter Gilleece advised [REDACTED] that [REDACTED] has been allocated to the SMP budget and cases will be referred in January, February and March 2015 within this additional allocation.

[REDACTED] advised that there are 5 serving officer cases ready for referral now. He will schedule the referrals for January – March 2015 within budget.

Looking forward to the next financial year, [REDACTED] suggested referring 20 cases a month. Blackwell agreed that this was a manageable amount and this can be reviewed at the planned contract meetings during next year.

Peter Gilleece advised that David Scofield has delivered his findings and a letter has been forwarded to the Minister enclosing the full report for consideration.

**Minutes of meeting between the Northern Ireland Policing Board and Blackwell Associates (SMP) on Monday 15 December 2014 @ 10.00 pm**

**1. In attendance**

**NIPB** – [REDACTED] – Police Admin Branch

**SMP** – [REDACTED]

[REDACTED]

[REDACTED]

**2. Apologies - Peter Gilleece**

**3. Minutes of the last meeting**

The minutes of the last meeting were agreed.

**4. Review of contract performance since the last meeting**

(a) Invoices

The payment of invoices is up to date. The next invoice will be forwarded to NIPB w/c 5 January 2015.

(b) Items returned to Blackwell

There continues to be an improvement in this area. [REDACTED] highlighted one case was returned due to implementation date being set before officer has left the service.

**5. Budget Issues**

As discussed at the meeting on 2 December 2014, [REDACTED] advised that cases will continue to be forwarded to Blackwell for processing between January and March 2015.

**5. Number of New Cases**

██████████ advised that there are currently over 500 new cases and over 500 reviews that are currently suspended. There has been an increase in serving officer cases. The vast majority of new cases involve hearing loss. There are currently over 200 appeal cases at present.

#### **7. Recent Case Law**

██████████ reported that Senior Counsel has reported and the various stakeholders are continuing to meet to discuss all of the issues.

#### **8. Storage Update**

██████████ advised that options have been received for in-house storage at the NIPB are being priced and considered.

#### **9. New IOD Scheme and present suspension of IOD Reviews**

██████████ reported that work on the new IOD scheme is still ongoing and the IOD reviews remain in suspension until the outcome of the Senior Counsel review.

#### **10. New Police Pension Scheme**

The new Police Pension Scheme is due be introduced with effect from 01 April 2015. SMPs will be briefed on the new scheme and the implications in due course. Changes include a two tiered ill health retirement and the setting up of a Pension Board.

#### **11. Consent to Allow OHW to see Outcome Letter**

██████████ will finalise the consent form to allow PSNI OHW to receive a copy of the final report and certificate.

#### **12. Date of Next meeting**

The date of the next meeting is to be agreed.



### 13. **Any other Business**

There being no further business the meeting closed at 11.00 am.

**Minutes of meeting between the Northern Ireland Policing Board and Blackwell Associates (SMP) on Monday 26 January 2015 @ 10.00 am**

**1. In attendance**

**NIPB** – [REDACTED] – Police Admin Branch

[REDACTED] – Police Admin Branch

[REDACTED] – Police Admin Branch

**SMP** – [REDACTED]

[REDACTED]

[REDACTED]

**2. Apologies - Peter Gilleece**

**3. Minutes of the last meeting**

The minutes of the last meeting were agreed.

**4. Review of contract performance since the last meeting**

(a) Invoices

The payment of invoices is up to date. [REDACTED] asked Blackwell to ensure that correct Force numbers were quoted on the invoices.

(b) Items returned to Blackwell

There continues to be an improvement in this area. [REDACTED] highlighted one case was returned due to implementation date being set before officer has left the service.

**5. Budget Issues**

As discussed at the meeting on 2 December 2014, [REDACTED] advised that cases will continue to be forwarded to Blackwell for processing between January and March 2015.

## **5. Number of New Cases**

[REDACTED] advised that there are currently over 500 new cases and over 500 reviews that are currently suspended. There has been an increase in serving officer cases. The vast majority of new cases involve hearing loss. There are currently over 200 appeal cases at present.

## **7. Recent Case Law**

[REDACTED] reported that Senior Counsel has reported and the various stakeholders are continuing to meet to discuss all of the issues.

## **8. Storage Update**

[REDACTED] advised that options have been received for in-house storage at the NIPB are being priced and considered.

## **9. New IOD Scheme and present suspension of IOD Reviews**

[REDACTED] reported that work on the new IOD scheme is still ongoing and the IOD reviews remain in suspension until the outcome of the Senior Counsel review.

## **10. New Police Pension Scheme**

The new Police Pension Scheme is due be introduced with effect from 01 April 2015. SMPs will be briefed on the new scheme and the implications in due course. Changes include a two tiered ill health retirement and the setting up of a Pension Board.

## **11. Consent to Allow OHW to see Outcome Letter**

[REDACTED] will finalise the consent form to allow PSNI OHW to receive a copy of the final report and certificate.

## **12. Date of Next meeting**

The date of the next meeting is to be agreed.

**13. Any other Business**

There being no further business the meeting closed at 11.00 am.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 16 January 2015 15:56  
**To:** [REDACTED]@blackwellassociates.co.uk  
**Subject:** FW: Wed 17th meeting  
**Attachments:** Chapters 1 and 14 of the Scoffield report (website version).DOCX

[REDACTED]

Please find attached chapters 1 and 14 of the Scoffield report. He was the Senior Counsel the Board asked the review the Injury Awards process.

Could you please forward this to Dr [REDACTED] for his information. I can ask him for his thoughts at the next contract meeting.

Regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 11 December 2014 10:54  
**To:** [REDACTED]  
**Subject:** FW: Wed 17th meeting



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** FOI 27/2015

**Date:** 26 June 2015

**Request:** FOI 27/2015

1. Confirm dates of meetings with NIPB and the appointed SMP for the period 1.10.14 to present date.
2. Copy of minutes of all meetings held with the SMP/NIPB for the period as per No 1.
3. Copy of any and all correspondence issued to the SMP by NIPB, relating to the Scoffield report, following acceptance by NIPB of the Scoffield report.
4. Copy of any instruction/direction issued to the SMP by NIPB relating to the forthcoming reconsiderations under Regulation 31(2) IOD Regulations 2006, of previous review cases conducted unlawfully by NIPB in respect of IOD retirees having reached 65 years.

**Answer:** On 29 May 2015 in our initial response to you the Board advised that the exemption at section 36 (2) (c) of the Freedom of Information Act (Prejudice to the Effective Conduct of Public Affairs) applied to the requested information.

Section 36 requires that, other than for statistical information, the qualified person for the public authority must give their reasonable opinion that the exemption is engaged. The qualified person for the Board is the Chief Executive. A submission using the ICO document entitled 'Record of the qualified person's opinion' was made to the Interim Chief Executive on 29 May 2015 and he provided an opinion that the exemption at Section 36 (2) (c) was engaged.

In our correspondence to you dated 29 May 2015 we also advised that Section 36 is a qualified exemption and, as such, is subject to a Public Interest Test. We further explained that we needed additional time to fully consider a Public Interest Test in relation to the information requested.

The Board has now completed its deliberations to determine if, in all the circumstances of the case, the public interest in maintaining the Section 36 exemption outweighs the public interest in disclosing the information

In the circumstances of these requests the Board has determined that at this time the public interest in maintaining the exemption outweighs the public interest in disclosure, and therefore the requested information is not being released.

A copy of our public interest test document is enclosed 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](mailto:foi@nipolicingboard.org.uk)

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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](mailto: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](http://www.nipolicingboard.org.uk).

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

## **FOI 27/2015 – Section 36 Exemption “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**

#### **FOI 27/2015**

1. Confirm dates of meetings with NIPB and the appointed SMP for the period 1.10.14 to present date.
2. Copy of minutes of all meetings held with the SMP/NIPB for the period as per No 1.
3. Copy of any and all correspondence issued to the SMP by NIPB, relating to the Scoffield report, following acceptance by NIPB of the Scoffield report.
4. Copy of any instruction/direction issued to the SMP by NIPB relating to the forthcoming reconsiderations under Regulation 31(2) IOD Regulations 2006, of previous review cases conducted unlawfully by NIPB in respect of IOD retirees having reached 65 years.

### **Arguments in favour of disclosure of the requested information**

1. Release of the requested information would be in keeping with the overall spirit of the FOIA, and by doing so may also help inform the requestor about the procedures and practices currently operating within the Board regarding the operation of the Injury on Duty Award scheme and the ongoing work to seek to implement the recommendations arising out of the Scoffield report.
2. The issues surrounding the Board's operation of the Injury on Duty Award scheme and the Scoffield report recommendations are very much live and current and are generating significant debate amongst interested parties. The increased level of communication received by the Board from individuals, political representatives and stakeholder organisations also highlights that the topic is of interest to certain sections of the general public.

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

1. It is believed that if the requested information was placed into the public domain at this time it would result in a significant number of follow up enquiries being submitted by this requestor. This would place an additional burden on Board officials who would be tasked to handle this correspondence and as a result would also have a detrimental effect on the Board's ability to progress the Scoffield report and also offer an effective service around its core objectives not only in terms of managing the Police Pension and Injury on Duty functions but other key work areas within the Board.



2. It is also believed, based on the level of correspondence the Board has received on this issue to date from individuals, political representatives and various stakeholder organisations, that the release of the requested information at this point in time would be likely to generate a significant and unsustainable increase in the volume of requests for information received by the Board. It is felt that this would place a significant additional burden on the Board and impact upon its ability to carry out its statutory functions.
3. Although the Board has agreed to implement the Scofield report recommendations, this is only one element of a wider review currently being undertaken by the Board into the administration of the IOD Award scheme. Therefore, it does not naturally follow that simply because of the adoption of the Scofield report that the time is also right to release the requested information into the public domain.
4. The volume of correspondence received by the Board from individuals, political representatives and various stakeholder organisations has significantly increased the work pressures placed upon the Board's Police Administration Branch. As has been previously stated, it is also believed that release of the requested information at this time would generate an unsustainable increase in the volume of requests for information received by the Board relating to IODs and the Scofield recommendations, which would only serve to exacerbate an already extremely difficult situation being faced by Police Administration Branch.
5. Release of the requested information at this time could impede and restrict the ability of officials to have the necessary 'free thinking space' to fully consider the issues surrounding the administration of the Injury on Duty Award process and the on-going discussions around the implementation of the Scofield recommendations.
6. Release of the requested information into the wider public arena at this time could also lead to interested parties amongst the general public and amongst elected representatives 'lobbying' the Board on certain IOD related issues and even perhaps on individual cases. This could in turn impede discussions currently on-going in relation to Scofield and could lead to the misrepresentation of key issues and raise the possibility of poor decision making in a critical area of the Board's business.
7. The release of this information is clearly of interest to this particular requestor, and may also be of interest to other individuals who have a direct involvement with the Injury on Duty process. However this is not the same as it being of interest to the wider general public which is what releasing this information under the FOIA is intended to be.
8. In order to be as open and transparent as possible in relation to the ongoing review of how Injury on Duty Awards are administered, a full copy of the Scofield report has already been published on the Board's website for all interested parties to view. In addition, the Board has also updated stakeholders on this process by way of a formal presentation from the Board's previous Chief Executive and through update letters, each of which can be accessed via the web link below;

[http://www.nipolicingboard.org.uk/index/our-work/pensions-and-administration/senior\\_counsel\\_review\\_of\\_injury\\_on\\_duty\\_awards.htm](http://www.nipolicingboard.org.uk/index/our-work/pensions-and-administration/senior_counsel_review_of_injury_on_duty_awards.htm)

This demonstrates that the Board is already fully committed to engaging with stakeholders and interested parties regarding the ongoing review process and its consideration of the Scofield recommendations.

## **Result**

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

As a result, the requested information should be withheld.