



FREEDOM OF INFORMATION REQUEST

FOI Reference number: FOI 31/2014

Date: 10 October 2014

Request:

1. How many meetings have been held to date on police pension reform involving SERVING POLICE OFFICERS OF THE PSNI?
2. Where have these meetings been held?
3. Are there minutes of all of these meetings?
4. Who can have access to these minutes?
5. Who on the Policing Board had oversight of these consultations?
6. Has the Policing Board been informed of concerns from Serving PSNI officers over the lack of consultation and failings of the Police Officers representing them?
7. Is the Board aware that PSNI Officers have been warned of causing disaffection in the Police? If so have they asked for clarification from the PSNI over this?

Answers 1 - 5. The Board does not hold the information requested.

Answer 6 The Board were informed by a serving officer in 2014 of their concerns with respect to pension reforms and the Police Federation.

Answer 7 A Member raised a question with the Chief Constable at the September 2014 Board meeting and T/Deputy Chief Constable Finlay in response copied correspondence issued to an MLA on 18 September 2014. A copy of the correspondence is enclosed.

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.



**ALISTAIR FINLAY LLB
TEMPORARY DEPUTY CHIEF CONSTABLE**

Our Ref: Com Sec 14\9893

11th September 2014

A handwritten signature in black ink, appearing to read 'Alistair Finlay'.

PSNI PENSIONS

Thank you for your letter, dated 20 August 2014, which the Chief Constable has asked that I reply on his behalf.

I have been personally involved in this matter over the past few months and I can assure you that I have not spoken to or corresponded with anyone in a 'threatening' manner. I have also personally spoken to a number of officers who may be affected by pension changes so I am well aware of the concerns. I have enclosed copies, appropriately redacted, of my emails to those who appeared to be promoting 'Time for Change NI' and the Service.

When concerns were raised internally by a small group of officers under the banner of 'Time for Change NI', initially our view was that a degree of latitude should be provided in order that the concerns could be appropriately raised and information circulated. However, the general tone of the correspondence changed and some of the emails involved personal attacks on the integrity of the Police Federation and individual office bearers and at that stage it was necessary to remind colleagues of their responsibilities under the PSNI Information Assurance Standard (use of the PSNI internal email system for official business) and the Code of Ethics.

You will no doubt be aware of the Police Federation's role as the designated and recognised negotiating body in regard to this matter. I have reminded police colleagues of this and indicated that if they have concerns around matters in regard to the police pension or Police Federation of Northern Ireland business, this should be raised through the proper PFNI channels or where concerns relate to any other matter through line management.

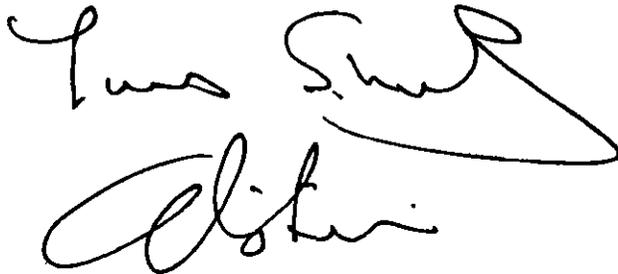
I can also advise you that PSNI Pensions Branch issued a Department of Justice (NI) Circular 04/13 to all police officers, via email, on the 13 May 2013. The circular provided information on the new Police Pension Scheme (PPS) being introduced on 1 April 2015 and I have attached a copy of the circular for your convenience. Pensions Branch will be issuing some further information on the new PPS, to all police officers, in the early part of 2015 when the new scheme regulations will be approved.

Private Office, PSNI Headquarters, 65 Knock Road, Belfast, Northern Ireland BT5 6LE
Telephone: 028 90 561614 Fax: 028 90 561645 Email: comsec1@psni.pnn.police.uk

Whilst the Chief Constable would clearly want to be reassured that police officers will receive the very best remuneration possible following retirement, as highlighted in the DoJ circular, the current arrangements are not sustainable going forward and the reform of pensions across the whole public sector is an unfortunate reality. It is for the Police Federation, taking into account the concerns of its members, to try to influence the very best pension settlement possible.

You may be aware that your party colleague, Jonathan Craig MLA, raised this matter at the most recent Policing Board meeting and I have forwarded a copy of this response, and attachments, to him for his information.

I trust that this is of some assistance but should you require any further information or clarification, please do not hesitate to let me know.

A handwritten signature in black ink, appearing to read 'Alistair Finlay', written in a cursive style.

ALISTAIR FINLAY

Enc

Jimmy Spratt MLA
DUP
Lynden House
Cregagh Road
BELFAST
BT6 8PX

[REDACTED]

From: FINLAY Alistair
Sent: 11 August 2014 18:08
To: [REDACTED]
Cc:
Subject: Time for Change NI

Colleagues,

I understand you to be the group operating under the collective term "Time for Change NI". There may be others involved in the operation of the group and if so please forward this email to them

The series of emails and recent requests received from you, or your colleagues, in regard to the matter of police pensions and matters concerning the performance of The Police Federation of Northern Ireland was discussed on Monday morning at the Service Executive Team (SET) meeting chaired by the me .

Whilst it was acknowledged that there is concern amongst some colleagues in regard to their future pension provision it is the position that the Police Federation for Northern Ireland is the designated and recognised negotiating body in regard to these matters.

It has also been brought to my attention, through recent copy correspondence from the Justice Minister, that at a recent meeting on 4 August 2014 it was indicated that the formation of an alternative staff association was being considered. The SET are aware that the Minister has outlined relevant legislation which would prohibit such action and also highlighted the relevant legislation of 'Causing Disaffection'.

For convenience the legislation is:

Police (NI) Act 1988 – Art 35 Membership of trade unions

(1) Subject to the following provisions of this section, a member of the police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force.

(2) Where a person was a member of a trade union before becoming a member of the police force he may, with the consent of the Chief Constable, continue to be a member of that union during the time of his service in the police force.

(3) In this section "trade union" has the meaning assigned to it by Article 3(1) of the M1 Industrial Relations (Northern Ireland) Order 1992; and if any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Certification Officer for Northern Ireland.

(4) Nothing in this section applies to membership of the Police Association or of any body recognised by the Secretary of State for the purposes of this section as representing members of the police force who are not members of the Police Association.

Police (NI) Act 1988 – Art 68 Causing disaffection

(1) Any person who—

(a) causes, or does any act calculated to cause, disaffection among the members of the police force; or

(b) induces, or does any act calculated to induce, any member of the police force to withhold his services,

shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

In order to provide absolute clarity I am directing:-

- There is a formal and recognised process in place to facilitate police officers to raise their concerns around the police pension and other issues regarding welfare and remuneration which for the ranks of Constable to Chief Inspector, involves the only statutorily approved body to do so, namely the Police Federation of Northern Ireland . This is the designated and only process for doing so.
- No permission will be given for any officer to have 'duty time' to undertake a 'project' around the police pension (referred to in Stuart Glenn's email dated 7/8/14 @ 16:19) or any matter concerning business which legally falls to the Police Federation of Northern Ireland to consider.
- Duty time will not be used by you to draft or distribute internal correspondence, whether by PSNI internal email or others means, in regard to police pensions or issues around the performance of the Police Federation of Northern Ireland. Nor will you seek the support of someone else to do this on your behalf.
- Duty time will not be used by you to arrange or attend meetings with external parties in regard to police pensions or matters concerning the business of the Police federation of Northern Ireland.
- The use of the PSNI internal email system is for official business only as outlined in the PSNI Information Assurance Standards. The series of emails being distributed under the banner of 'Time for Change NI' are not considered as official PSNI business and could be considered to be an offence under Art 68(1)(b) as outlined above. Until now there has been some latitude given on this, however, that is now withdrawn.

No further correspondence in regard to this matter should be sent to the Chief of Deputy Chief Constable's office. Where you have concerns around matters in regard to the police pension or Police Federation of Northern Ireland business they should be raised through the proper PFNI channels or where concerns relate to any other matter through your line management structure.

The Chief Constable in no way wishes to frustrate those who have genuine concerns in regards to their pay and conditions of service from making their concerns known but they should not be raised in any other way other than through the formally recognised and designated process which involves the Police Federation of Northern Ireland.

I will be making the Service aware of this direction by way of separate email in due course.

Alistair Finlay

T/Deputy Chief Constable - Police Service of Northern Ireland - Police Headquarters, Brooklyn, 65 Knock Rd,
Belfast BT5 6LE

Personal Secretary - [REDACTED]

[REDACTED]

From: FINLAY Alistair
Sent: 11 August 2014 18:28
To: zAll Police (Can only be e-mailed by at least Insp. or EO1)
Cc: [REDACTED]
Subject: Time for Change NI & The Police Federation of Northern Ireland

Colleagues

I have today emailed the individuals who comprise the group "Time for Change NI". For the avoidance of doubt I replicate the key points to all police to ensure that you are personally aware of the Service position on this matter and to ensure you do not unwittingly contradict the direction.

Whilst it is acknowledged that there is concern amongst some colleagues in regard to their future pension provision, the Police Federation for Northern Ireland is the designated and recognised negotiating body in regard to these and similar matters. The PFNI is a statutory body and there are provisions which make it unlawful to seek to form another representative body. Indeed The Police (NI) Act 1988 – Art 68 creates an offence of causing disaffection or inducing a member of the Police Service to withhold their services. These points and the risks around them were made clear to the individuals involved following their recent approach to the Minister of Justice.

Accordingly, those who have some concern that the PFNI has not been discharging its obligations in line with their expectations, must raise those concerns through the channels of the PFNI and their representatives, not across the medium of police systems. The PFNI has its own properly constituted mechanisms to represent the views of its membership, however, ultimately is comprised of locally elected representatives and elections, when they occur, are the method of challenging the mandate of those who make up the body.

As such I have direct that -

- There is a formal and recognised process in place to facilitate police officers to raise their concerns around the police pension and other issues regarding welfare and remuneration which, for the ranks of Constable to Chief Inspector, involves the only statutorily approved body to do so, namely the Police Federation of Northern Ireland. This is the designated and only process for doing so.
- No permission will be given for any officer to have 'duty time' to undertake any 'project' around the police pension (a request made to me by a representative of the group) or any matter concerning business which legally falls to the Police Federation of Northern Ireland to consider.
- Duty time will not be used to draft or distribute internal correspondence, whether by PSNI internal email or others means, in regard to police pensions or issues around the performance of the Police Federation of Northern Ireland. Nor will individuals seek the support of others to do this on their behalf.
- Duty time will not be used to arrange or attend meetings with external parties in regard to police pensions or matters concerning the business of the Police Federation of Northern Ireland.

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- The use of the PSNI internal email system is for official business only as outlined in the PSNI Information Assurance Standards. The series of emails being distributed under the banner of 'Time for Change NI' are not considered as official PSNI business. Until now there has been some latitude given on this, however, that is now withdrawn.

If you have concerns or uncertainty regarding this direction please seek guidance from your local line management.

Alistair Finlay

T/Deputy Chief Constable - Police Service of Northern Ireland - Police Headquarters, Brooklyn, 65 Knock Rd,
Belfast BT5 6LE

Personal Secretary - [REDACTED]