



FREEDOM OF INFORMATION REQUEST

FOI Reference number: FOI 32/2015

Date: 29 June 2015

Request:

Please supply me with a copy of any and all correspondence between the Northern Ireland Policing Board and the Department of Justice, Blackwell Associates, and the Human Resources Department of the Police Service of Northern Ireland which in any way addresses or refers to the following:

- 1) Reviews of police injury pensions
- 2) The appeal process as set out in regulation 31 of The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006

As I have no knowledge of the volume of such correspondence and am anxious to help ensure this request does not create too much of a burden, or cost, to the NIPB can you please confine your search for information to the period 1st February 2015 to 31st May 2015.

Please note that by correspondence I ask you include all emails, reports, memoranda etc. whether existing in printed, handwritten or digital form. You should include any transcripts or recordings or notes of any telephone conversations.

Please do not hesitate to contact me promptly if you need any clarification or have any advice to offer regarding this request, under the general duty imposed on public organisations under Section 16 of the Freedom of Information Act - 'It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.'

I will be happy to amend my request, if necessary, in the light of any advice and assistance you may care to offer.

Answer:

The Board has determined that the information you have requested is inextricably linked to an on-going review into the Injury on Duty Awards Scheme and is being withheld under the Freedom of Information Act 2000.

The background to, and the current position in relation to, this review can be viewed on the Board's website at the following link:

http://www.nipolicingboard.org.uk/index/our-work/pensions-and-administration/senior_counsel_review_of_injury_on_duty_awards.htm

In the circumstance of this request, the Board considers that the exemption at section 36 (2) (c) of the Freedom of Information Act (Prejudice to the Effective Conduct of Public Affairs) applies 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 25 June 2015 and he provided an opinion that the exemption at Section 36 (2) (c) was engaged.

In line with the Freedom of Information Act the Board is also required to undertake a Public Interest Test in relation to the information requested, 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 this request the Board has determined that, at this time the public interest in maintaining the exemption outweighs the public interest in disclosure.

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

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.

FOI 32/2015 – 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

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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 Scofield report.
2. The issues surrounding the Board's operation of the Police Injury Pensions and the Scofield 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, 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.

2. 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.
3. 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.
4. Release of the requested information would require an inordinate amount of administration (involving a number of officials) and 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.
5. 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.
6. 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.
7. 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

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.