



FREEDOM OF INFORMATION REQUEST

FOI Reference number: FOI 40/2015

Date: 3 August 2015

Request: I wish to make an application under the FOI act on the following subject. A meeting was held in the NIPB offices on 22 June 2015, those present were Barney McGahan and [REDACTED] representing the NIPB also Tom Millar and Monty Alexander who are members of NIRPOA., were also in attendance. May I please have a copy of the meeting agenda and minutes taken of the meeting?

Answer: The following is an agreed record of the meeting.

MEETING MONDAY 22 JUNE 2015 AT WATERSIDE TOWER at 3.00PM

Present: Barney McGahan – Interim Chief Executive NIPB (BM)
Police Administration Manager NIPB (PA)
Mr Tom Millar (TM)
Mr Hugh Montgomery Alexander (HMA)

Introduction

Although there was no formal agenda TM had sent two emails on 14 and 16 June 2015 respectively (attached at Annex A) which detailed topics for discussion.

It was agreed that a note would be taken of the meeting and this would be shared in draft with TM and HMA for agreement before publication.

Scofield

TM sought information on the implementation of Scofield's recommendations. BM confirmed that:

- All the recommendations have been accepted and work is ongoing to advance each;
- The Department is undertaking a Review of Regulations to address the matters within its responsibility. This will be prospective in its application, not retrospective, and consultation will take place in the late summer;
- The Policing Board is moving forward all the recommendations within its responsibility. Additional resources are being identified for Police Administration Branch, although it will take a bit of time to deal with all recommendations.

TM asked for improved communications and transparency and requested that the Implementation plan is published on the NIPB's website. BM advised that he was keen to find ways to reduce the demands for information under Freedom of Information legislation and would look at what could be placed on the Board's website to help in this regard.

Over 65s

TM raised the matter of the failed recording at the Scofield presentation on 17.12.14. BM advised that he understood that this was a technical fault that no-one was aware of at the time.

TM asked what mechanism there was as a back-up for recorded meetings. BM said that note taking was the normal arrangement for meetings. HMA presented a set of notes he had made of the meeting and asked if these could be published on NIPB's website? BM advised that he could not put HMA's notes onto the website as they were not the NIPB's. TM advised that some notes of 17/12/14 were published. This is because an attendee's personal notes were the subject of an FOI request and it is Board policy to publish its responses to FOI requests. BM reiterated that, unfortunately, there was nothing that he could do about the failure on 17.12.14 at this time.

TM asked why there was a request for over 65s to agree to a reconsideration under regulation 31(2) when the original Reviews had been unlawful. He asked if NIPB has to wait for approximately 30 determinations of maladministration from the Pensions Ombudsman before taking action. BM advised that it is accepted that Scofield's 19th recommendation needs addressed, though Scofield himself indicated in his report that this was not a simple matter. Scofield had originally thought that there could be a collective referral to the Pensions Ombudsman. However, as Scofield reported, "... upon tentative exploration of this option with the Pensions Ombudsman's Office, this now seems unrealistic." Given that, as Scofield reports, the Review decisions are "... presumptively lawful ..." the Board cannot ignore them and, therefore, is seeking recipients' agreement to a Reconsideration. TM advised that there is an expectation amongst retired police officers that they will be retained at their pre 65 level. BM confirmed that this was the likely outcome if age was the only factor which led to a decrease.

TM asked if a letter had been issued by NIPB to SMP giving a direction in this matter and if this letter be made available? BM advised that there was ongoing consultation on the revised policy and that all views will be considered. HMA mentioned a letter from the previous NIPB CEO dated March 2013 which indicated that the original Reviews were, in the CEO's opinion, illegal. BM stated that such matters pre-dated him and he was not in a position to speculate on the previous CEO's views and comments. Rather, he was focussed on resolving all the current problems. TM stated that this process is taking a long time and asked if cases will be processed by Christmas 2015? BM said he was determined to make progress as quickly as possible, although it was not possible to give firm dates at this time.

HMA referred to a meeting in Maryfield in June 2012 and to a decision not to review cases where the applicant was born on or before 3/5/43. He asked when was the decision made and how was this date decided on? HMA stated that he felt that this was an inequality of policy where some people were discriminated against. HMA asked if there is a policy document which mentions the cut-off date. BM advised that he was unaware of this issue and would have to look into it before he could comment.

HMA also raised the complaint on 'cut-off date' passed to the Board's Performance Committee in February 2014. HMA stated that it was not considered a complaint within NIPB's policy and marked as such by Policy Directorate and it was not considered by the Committee. HMA stated that this was a total disregard of Section 75 of the Northern Ireland Act. HMA handed BM an Aide Memoire which he stated should be taken as an observation.

HMA referred to Home Office guidance and asked why Northern Ireland was different to England? HMA stated that SMPs were directed by NIPB to reduce IODs of 65 year old former officers and this was unlawful and not in line with the Regulations. BM advised that, at the time, the NIPB believed that it was operating in accordance with the Regulations. However, the Scofield review has led to a change in approach and this is being dealt with as part of implementing Scofield's recommendations

BM assured both TM and HMA that the NIPB was trying to focus on the backlog and processing new applications. TM stated that the NIPB should be 'proactive and should contact every

pensioner and that this should be independently scrutinised by legal person(s)'. BM said that he felt that such an approach was unnecessary.

TM also stated that a Helpdesk should be set up for pensioners and handed BM a document with suggestions. BM reiterated that he was looking at the overall position and that he would consider how a Help desk might assist.

Meeting with NIRPOA

TM referred to the notes of the meeting with NIRPOA held on 2 June 2015. PA advised that his name had been placed in the public domain without his permission and both TM and HMA agreed that names should not be published without the express permission of the individual. BM advised that these notes were the views of NIRPOA officials and had not been agreed with him. This was an issue with NIRPOA he would be addressing as the notes contained some inaccuracies.

It was agreed that this meeting's discussions were covering the key points from the meeting on 2nd June.

Letters to SMPs

TM asked why the NIPB is still fettering in letters to SMP and why the NIPB is still directing doctors? HMA referred to letters issued in 2009 in relation to zero rating and asked why NIPB did not review people at the lower level. HMA referred to 2010 directions and ask why was this done and who authorised this direction? TM asked why the direction was issued in 2010. TM stated that he wanted persons involved to be investigated.

BM advised that, at the time, the NIPB believed that it was operating in accordance with the Regulations. However, the Scofield Review has led to a change in approach and this is being dealt with as part of implementing Scofield's recommendations. BM stated that he was more interested in rectifying any cases which are wrong rather than reviewing matters already addressed in the Scofield report.

TM asked that, where additional information is available, NIPB should ensure that this is sent to SMPs. BM advised that it was not NIPB policy to withhold information.

Other Matters

TM stated that he wished openness and transparency to improve. He stated that his FOI requests were being held overly long by NIPB and that they should be released within a week. BM advised that virtually all FOI requests are processed within the allowed timeframes. He said that it was difficult to free up staff to focus on the job as a large amount of resources was being diverted away to dealing with correspondence and FOIs and he would be looking to see what more information can be published on the Board's website to avoid the need for FOI requests.

TM stated that information on the NIPB website is out-dated however it has improved. He stated that it would be beneficial to publish more information.

TM asked why staff are only available to answer queries on Thursday afternoons? BM stated that this practice was introduced some time ago to help manage the heavy workload within the office. However, he wished to change this as soon as circumstances permitted. TM reiterated that NIPB should consider setting up a Helpdesk.

TM stated that complaints were referred as 'test cases' as NIPB is lacking in openness and transparency and those poor/unsatisfactory complaints should be investigated. In respect of Pensions Ombudsman's determinations, TM asked if the NIPB has a dispute resolution process. BM stated that this is something that may be considered going forward; however, his

priority was to improve performance and service, thus reducing the need for complaints. TM stated that many of the Ombudsman's cases could have been resolved by the NIPB if it had chosen to do so.

TM noted that NIPB had refused to include the 5 determinations made against them in their Annual Report.

Conclusion

The formal meeting concluded at 4.15pm.

Following the meeting TM and BM had some personal discussions which were not minuted.

Annex A

Mr McGahon

Further to my email of June 14 I intended mentioning the following issues which would form part of our discussion at our meeting with you next Monday:-

1. Five signature letter sent to [REDACTED] on 19Jan14 - Responses to this letter where totally unsatisfactory, in fact in one instance I recall being advised a response was not possible, or words to that effect. We would encourage closure on the issues raised in this important letter with an open transparent response.
2. Meeting NIRPOA/NIPB June 2012 at Maryfield when two Officials from your Administration Branch where present. Adverse comments where made and then identified in a follow letter from the Chair NIRPOA to [REDACTED]. We would seek at the meeting your views and confirmation that the statements made do not now reflect NIPB policy and you issue a document/letter so confirming. NB [REDACTED] and [REDACTED] where both present at the meeting.
3. Direction issued to Capita Health Solutions (SMP) at joint meeting with NIPB in September 2009 when the SMP was directed to place all Officers over 65 years in Band 1 at review. We will seek your take on this statement and what subsequent affect this had on Officers being unlawfully reviewed at 65 years. We also wish to be advised what specific actions NIPB conducted (such as a Disciplinary Investigation etc) following Senior Management being made aware of the directive .

Regards
Tom Millar

From [REDACTED]
Sent: 14 June 2015 12:22
Subject: Re: RE: Re Meeting with North Down IOD Group

Mr McGahon

Previous correspondence refers. We are looking forward to our meeting on the 22nd and our trio will be [REDACTED] and a third person identity to be confirmed later.

Amongst many issues we wish to constructively discuss re IOD procedures past, present and future I mention the following issues in particular:-

1. Current status of implementation of Scofield review - Full Board meeting on June 4 - outcome? Process and consultation for implementation - Failed recording at Scofield presentation on 17.12.14.
2. Proposed offer of Reconsideration to over 65s unlawfully reviewed, under Regulation 31(2). What instruction if any will be issued to the SMP re this intended procedure?
3. Matters arising from recent meeting from NIRPOA.
4. Current instruction(s) to SMP re continuing new applications, reconsiderations etc, including fettering. Investigation of past actions including possible referral to GMC. Appeal procedure via NIPB.
5. PO determinations past, present and future - Accountability - Discipline for recent determinations where the PO concluded NIPB to have practised maladministration and failure to act in accordance with the 2006 Regulations (At least 5 ongoing complaint investigations by the PO) - How many more to follow?
6. Lack of openness and transparency.
7. FOI applications
8. NIPB website -information - lack off re IODs- Outdated information
9. Thursday afternoon telephoning. Update on proposed change
10. NIPB-change to a pro active policy. NIPB should not wait for IOD retirees to raise issues and make complaints
11. NIPB complaint investigation.
12. NIPB annual report.
13. Apology from NIPB for performance over the past 7 years re IOD failings etc?

Needless there are other issues we may raise and we hope our constructive discussion will result in effective change in NIPB communication, policy and procedures.

Best Regards
Tom Millar

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.