



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04667

Keyword: Finance

Subject: REMUNERATION OF THE CHIEF CONSTABLE PSNI

Request:

I am writing to request details of the total remuneration of the Chief Constable of the Northern Ireland Police Service. "Total remuneration" includes, but is not limited to, items such as base salary, bonus, benefits in kind, car allowances, housing allowance or grace-and-favour accommodation, expenses, payments for returning officer duties, pension payments and redundancy payments.

I would like this data annually for the past three full years. I do not mind if the data is compiled by financial or calendar year but it must be consistent throughout the time period. In each year please can you provide the name of the chief constable, total remuneration and a detailed breakdown of that remuneration?

In relation to my request for pension payments: If this part of the request is refused then I would like the following:

- How is the pension determined? If it is by formula then I request that formula. A formula is not personal information.
- A copy of the provision laid out in the employment contract for the pension scheme.

Answer:

Sir Hugh Orde has been the Chief Constable of the Police Service of Northern Ireland since September 2002; this covers the entire time period you have requested the above information for.

We interpret 'total remuneration' as meaning the actual gross wage and we are not obliged to provide this information as it is exempt by virtue of an absolute exemption under Section 40(2) of that Act. This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data. This information is shared only with the Northern Ireland Policing Board and HMRC for personal tax purposes and is thus clearly covered by the first of the Data Protection Principles.

Base Salary

Please find attached the following links to the website of the Police Negotiating Board where actual salaries (as opposed to total remuneration) of Chief Police Officers are published for the current year and through that site will be available corresponding salaries for previous years - <http://www.lge.gov.uk/lge/aio/113290> and <http://www.lge.gov.uk/lge/aio/712861>

Benefits / Allowances

Housing is provided for the Chief Constable owing to specific security circumstances prevailing within Northern Ireland in addition to transportation.

You may find the following link useful with regard the most recent police regulations that determine conditions of service and relevant to a large majority of your request: -

<http://www.opsi.gov.uk/si/si2003/20030527.htm>

Expenses

The Chief Constable's Expenses for Hospitality and Travel / Subsistence are routinely published on the PSNI website and are therefore already in the public domain, please view the following link.

http://www.psnipolice.uk/index/pg_freedom_of_information/pg_classes_of_information/chief_officers_expenses.htm

Bonus

The Chief Constable does participate in a bonus scheme, however as with total remuneration, and with pensions below, we are not obliged to provide this information for the reasons explained above.

Pensions

The Chief Constable is a member of the following Pension Scheme, as with bonuses and the total remuneration, we are not obliged to provide this information for the reasons explained above.

<http://police.homeoffice.gov.uk/human-resources/police-pension/1987-pension/>

In conclusion, given that we have dealt with your request as shown above, we acknowledge that there is continuing discussion as to whether or not a Chief Constable's actual total pay, including any bonus payment, is personal information, and whether the disclosure would breach one of the data protection principles, rendering the public interest test irrelevant. Also, unlike the publicly available salaries, this payment is linked to the performance of an individual and is reflected in their annual Performance Review. We consider that that an individual's personal development is a matter for them and this is different to organisational performance. The police service, the Home Office, Police Authorities (see the link to our Authority's site above) the Audit Commission and Her Majesty's Inspector of Constabulary, to name but a few, already produce extensive information to the public on how each individual force is performing which we feel addresses the public need for information. Of course whenever a force is perceived, rightly or wrongly, to be underperforming, the Chief Constable can be held to account and they are by the aforementioned bodies and their employer, the Police Authority. In addition, in response to this request much information has been provided including the statement of fact as to whether a Chief Officer actually participates in a bonus payment. This provides the public with important information, whereas the actual amount available is by comparison irrelevant.

The ICO's guidance on whether information is captured by the Section 40(2) exemption refers to the concept of whether disclosure would be 'fair'. It also states that disclosure would be unlawful if there would be a breach of confidence. There is also a need to answer the question 'had the person been led to believe that his or her information would be kept secret?'

The evidence that this is unlikely to be 'fair' is provided by the PNB guidelines on the bonus scheme - <http://www.lge.gov.uk/lge/aio/53709> which at paragraph 12 states:

"Confidentiality 12. The overall PDR assessment and any bonus payment must be kept confidential to those members of the police authority involved in assessment and bonus decisions, the officer concerned, the clerk to the police authority and the relevant HMI."

We believe this gives the amount of bonus payments the actual standard required to make disclosure unfair.

In relation to total pay we would draw your attention to Her Majesty's Revenue and Customs own instructions to their staff, i.e. "Section 18 of the Commissioners for Revenue and Customs Act 2005 (CRCA) makes it clear that you must not give ('disclose') HMRC information to anyone, unless you have lawful authority to do so. This includes other government departments and their agencies, local authorities, the police or any other public bodies."

This clearly shows that the exact amount of earnings, when provided to them, is confidential information. This is also linked to the fact that each Chief Officer, as do many other members of the police service, actually receives a slightly different amount of gross pay, dependant on time in service, allowances and overtime, if not salaried. Pay scales are in the public domain to enhance the quality of any public debate around these issues, we fail to see how this would be

further enhanced by the actual definitive amounts. This would suggest that the actual gross or net pay of an individual is a private matter and should not actually be disclosed.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

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