



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04665

Keyword: Human Resources

Subject: COMPANIES CONTRACTED TO SUPPLY STAFF TO PSNI

Request:

Question 1 - Are companies, which are contracted to supply civilian staff to the PSNI, required to have carried out Equality Impact Assessments before being awarded any such contracts by the PSNI's Central Procurement Unit?

Question 2 - Can you supply me with a list of companies which are contracted to supply civilian staff to the PSNI within 'B' District?

Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information and the answers to your questions are as follows.

Answer 1 - We have been advised that companies are not required to carry out Equality Impact assessments but are bound by the following requirement which is contained within the Terms & Conditions of all tenders, from which contracts are awarded -

EQUALITY OF OPPORTUNITY

1 The Contractor shall comply with all applicable fair employment, equality of treatment and anti-discrimination legislation, including, in particular the Employment (Northern Ireland) Order 2002, the Fair Employment and Treatment (Northern Ireland) Order 1998, the Sex Discrimination (Northern Ireland) Order 1976 and 1988, the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, the Equal Pay Act (Northern Ireland) 1970, the Disability & Discrimination Act 1995, the Race Relations (Northern Ireland) Order 1997, the Employment Relations (Northern Ireland) Order 1999 and the Employment Rights (Northern Ireland) Order 1996 and shall use his best endeavours to ensure that in his employment policies and in the delivery of the services required of the Contractor under this agreement he has due regard to the need to promote equality of treatment and opportunity between:

(a) persons of different religious beliefs or political opinions;

(b) men and women or married or unmarried people;

(c) persons with and without dependants (including women who are pregnant or on maternity leave and men on paternity leave);

(d) persons of different racial groups (within the meaning of the Race Relations (Northern Ireland) Order 1997;

(e) persons with and without a disability (within the meaning of the Disability Discrimination Act 1995);

(f) persons of different ages; or

(g) persons of differing sexual orientation.

- 2 The Contractor shall take all reasonable steps to ensure the observance of the provisions of the above clause by all servants, agents, employees, consultants and sub-contractors of the Contractor.

Answer 2 - One of the major suppliers of civilian staff within B District is Grafton Recruitment. It should be noted that they supply staff for the whole of the Police Service and not specifically B District.

I have decided to fully exempt the names of other companies pursuant to the provisions of Section 38 (1) (a) & (b) (Health and Safety) of the Act.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

(a) states that fact,

(b) specifies the exemption in question and

(c) states (if not otherwise apparent) why the exemption applies.

Sections 38(1)(a) & (b) are Prejudiced based Qualified exemptions which means that it is the Public Authority's responsibility to evidence the harm and the Public Interest Test and this is illustrated below.

HARM TEST

By releasing the names of companies who supply staff to the Police Service of Northern Ireland there is potential for persons who are employed by these companies to be identified as being employed by the Service, which could ultimately endanger the physical or mental health of an individual and / or their families. Releasing certain information could make the employees of these companies vulnerable to attack by certain elements in the community. This danger not only relates to the particular individual, but also to his / her family. It has been shown, by recent events, that family homes have been attacked by elements of the community thus creating danger for family members who would have no connection with the PSNI and also endangering the well-being of innocent neighbours or passers-by. It is obvious that certain elements within the community specifically seek out information that would identify PSNI employees, for the sole purpose of carrying out attacks, with the view to killing individuals. Releasing such information identifying these companies may also have a detrimental effect on future recruitment plans as individuals would perhaps decide not to apply to them for jobs within the organisation as they would feel their security would at some future stage, be compromised by the release of identifying data.

PUBLIC INTEREST TEST

Considerations Favouring Disclosure

Accountability - In this case, the release of information will enable the public to have a better understanding of the efficiency and effectiveness of the police service. The public have a right to know that the PSNI are employing the best persons possible for the jobs in question.

Factors Favouring Non Disclosure

Human Rights - The Public Interest cannot be served if disclosure breaches the obligations placed on an authority under the European Convention on Human Rights, particularly, Article 2 - The right to life and Article 8 - The right to respect for private and family life. This principle applies to a wide range of individuals ranging from the individual, his / her family, and the wider community. It also has a bearing on Protocol 1 Article 1 Protection of Property where everyone is entitled to the peaceful enjoyment of his/her possessions.

Effective / Efficient Conduct of the Service - The role of the service could be compromised by the disclosure of the information as current or future employees of the PSNI would feel that their details may be released into the public domain at anytime, thus, causing them concerns over their safety. This could lead to current employees resigning, or prevent persons from seeking employment with the PSNI through the relevant companies contracted to supply civilian staff as they would feel that their details could or would be released, thus jeopardising their safety and well-being.

Public Safety - Disclosure of the names of the companies would not be in the interest of public safety. The public could suffer physical and / or mental harm by being innocently caught in any incident carried out by elements of the community intent on causing harm to PSNI employees. As highlighted by an incident a few months ago in Lisburn, involving a teacher who had wrongly been identified as a police officer, there have been occasions where a person has been wrongly identified as a police employee and been attacked with the intention of causing fatal injury.

BALANCING TEST

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. In this case the information requested should be withheld, as to release the names of companies which are contracted to supply civilian staff to the PSNI within 'B' District into the public domain, would be harmful for the reasons listed above.

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 all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psni.police.uk.

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