



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03087
Keyword: Complaints/Discipline
Subject: Disciplinary Panels

Request and Answer:

This is to inform you that the Police Service of Northern Ireland (PSNI) has now completed its search for the information you requested and I have decided to release some of the information requested and exempt the remainder by virtue of the exemption mentioned below. The timeframe used is from 1 January 2005 to 10 October 2010.

The following questions and answers are in relation to the information requested in respect of Chief Superintendent Irvine

Question 1

How many disciplinary panels has Chief Superintendent Henry Irvine participated in?

Answer

Chief Superintendent Henry Irvine has participated in six Misconduct Panels during the timeframe.

Question 2

The dates of the panels?

Answer

The information will not be released by virtue of the exemption mentioned below.

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

- (a) states the fact
- (b) specifies the exemption(s) in question
- (c) states (if not otherwise apparent) why the exemption applies

The exemption is as follows:

Section 40(2)(a)(b) and 3(a)(i) – Personal Information

This is an absolute and class based exemption. The information sought must fall within the class of information covered by the exemption. In this instance the information must be personal i.e. information from which a person could be identified. Releasing that information must breach at least one of the data protection principles. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released. Information on outcomes of Misconduct Hearings is data belonging to particular individuals and is considered to be sensitive. Whilst no individual officer will be immediately identified from the information sought, there is the potential for an officer to be identified from that information, particularly if taken together with information which may already be in the public domain or which may appear in the public domain at some time in the future.

Under Regulation 26 of the Royal Ulster Constabulary (Conduct) Regulations 2000 Misconduct Hearings are held in private and results of Misconduct Hearings are not made public. There is an expectation that such proceedings are confidential. Releasing details would breach this privacy and confidentially.

As there is no expectation that such data will be released into the public domain release may constitute breach of confidence at common law.

As the information requested is the date(s) of the misconduct panels, the potential exists for an officer to be identified. The outcomes of misconduct panels are published on the Weekly Order. By providing the dates of the misconduct panels, together with the information on the weekly order the potential is high that an officer could be identified. The exemption is engaged.

Question 3

The Charges preferred at the panels?

Answer

The charges preferred at the panels were Integrity, Professional Duty, and Duty of Supervisors.

Question 4

The Sanctions Imposed?

Answer

The sanctions were: Fine, Reduced in Rank, Required to Resign, Dismissed from Service.

Question 5

The rank of the officer charged?

Answer

The ranks were Constable and Sergeant.

Question 6

The gender of the officer charged?

Answer

They were all male.

Question 7

The perceived community background of the officer charged?

Answer

As Professional Standards Department do not hold this information an enquiry was made to Human Resources Department. They have decided that the information should not be released.

The information will not be released by virtue of the exemption mentioned below:

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

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Information on the perceived community background is data belonging to particular individuals and is considered to be sensitive, personal information. Whilst no individual officer will be immediately identified from the information sought, there is the potential for an officer to be identified from that information, particularly if taken together with information which may already be in the public domain or which may appear in the public domain at some time in the future.

Consequently the exemption is engaged and the information cannot be released.

It should also be noted that the community background information of employees within the PSNI is gathered and retained for monitoring purposes only, in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular Part III 16 (2) of the above Regulations states that it is an offence to disclose the community background determination of individual employees, and as a result the information requested cannot be provided. To release the community background information at the level requested could reveal personal, sensitive information and the organisation would then be in breach of the above Regulations.

The following questions and answers are in relation to information requested in respect of Chief Superintendent Skuce.

Question 1

How many disciplinary panels has Chief Superintendent Skuce participated in?

Answer

Chief Superintendent Skuce has participated in nine Disciplinary Panels during the timeframe.

Question 2

The dates of the panels?

Answer

The information will not be released by virtue of the exemption mentioned below:

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Under Regulation 26 of the Royal Ulster Constabulary (Conduct) Regulations 2000 Misconduct Hearings are held in private and results of Misconduct Hearings are not made public. There is an expectation that such proceedings are confidential. Releasing details would breach this privacy and confidentially.

As the information requested is the date(s) of the misconduct panels, the potential exists for an officer to be identified. The outcomes of misconduct panels are published on the Weekly Order. By providing the dates of the misconduct panels, together with the information on the weekly order the potential is high that an officer could be identified. The exemption is engaged.

Question 3

The charges preferred at the panels?

Answer

The charges preferred were: Integrity, Professional Duty, Police Investigations, Fitness for Duty, Duty of Supervisors.

Question 4

The sanctions imposed?

Answer

The sanctions imposed were Fine, Reprimand, Reduced in Pay, Reduced in Rank and Required to Resign.

Question 5

The rank of the officer charged?

Answer

The ranks were Constable and Sergeant.

Question 6

The gender of the officer charged?

Answer

The gender was both male and female.

Question 7

The perceived community background of the officer charged?

Answer

As Professional Standards Department do not hold this information and enquiry was made to Human Resources Department, and they have decided that the information should not be released.

The information will not be released by virtue of the exemption mentioned below:

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

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It should also be noted that the community background information of employees within the PSNI is gathered and retained for monitoring purposes only, in accordance with the Fair Employment (Monitoring) Regulations (NI) 1999. In particular Part III 16 (2) of the above Regulations states that it is an offence to disclose the community background determination of individual employees, and as a result the information requested cannot be provided. To release the community background information at the level requested could reveal personal, sensitive information and the organisation would then be in breach of the above Regulations.

This information has been supplied by the Professional Standards Department of the PSNI which has responsibility relating to formal discipline of police officers and relates to cases reported to that Department only.

United Kingdom Police Services do not use generic systems to capture information. For this reason the PSNI's response to your questions should not be used for comparison purposes with any other Police Service.

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

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our complaints procedure. In the event that you require a review to be undertaken, you can do so by writing to the Head of the Freedom of Information Team, Freedom of

Information, PSNI Headquarters, 65 Knock Road Belfast BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review you remain dissatisfied in anyway with the handling of the request you may make a complaint to the Information Commissioner 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.