



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-00247

**Keyword:** Crime

**Subject:** Doctors Interviewed Under Caution.

### Request and Answer:

#### Question 1

The number of doctors interviewed under caution by your Police Force for possible criminal acts in the performance of their NHS duties.

#### Question 2

The number of doctors prosecuted for gross negligence in the performance of their NHS duties.

#### Question 3

The length of time it took the Criminal Prosecution Service to reach a decision on whether to prosecute a doctor following an interview under caution.

#### Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

The Police Service of Northern Ireland's Notifiable Occupations Scheme deals with notification of relevant governing bodies after conviction and holds information on the number of notifications which have been sent out to governing bodies. However, the information sought under question 2 was not recorded electronically until the beginning of 2009. To retrieve the information for the years previous to this would involve a manual trawl. It is estimated that this would take in excess of 18 hours due to the estimated volume of notifications per year and the time frame required.

For your information, regarding the information sought under question 1, the Police Service of Northern Ireland (PSNI) does not hold information on offences specific to gross negligence by doctors. The PSNI's computer systems do not hold details of doctors who have been interviewed under caution unless they have firstly been arrested. The service may be able to produce numbers for doctors who have been arrested and subsequently interviewed under caution, however this figure

will not include those interviewed under caution without an arrest and is dependent upon the "occupation" field being completed on the system.

Furthermore, to determine whether the arrest related to their duties as a doctor would require an examination of each custody record which may contain details of the circumstances surrounding the arrest. When viewing this information we would be required to apply judgment to a set of circumstances or expressing an "opinion" as to whether the arrest related to the performance of their duties, rather than providing "recorded information" which would invalidate your request under FOIA.

An answer to your third question would require details of when the prosecution file was submitted and when the Public Prosecution Service decision to prosecute was issued. For your information, the Public Prosecution Service Northern Ireland may be best placed to provide a response to your request. You can access their online Freedom of Information request form by using the following link <http://www.ppsni.gov.uk/default.aspx?CATID=0&page=eform&eid=1> or alternatively you can contact them in writing at the address below;

Public Prosecution Service  
Headquarters Sections and Belfast Region  
Belfast Chambers, 93 Chichester Street, Belfast, BT1 3JR

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes this impossible.

If you have any queries regarding your request or this 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 letter.

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](mailto: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 @ [www.psnipolice.uk](http://www.psnipolice.uk)

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