



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02026

Keyword: Complaints/Discipline

Subject: Officer Suspensions

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1 and 2 in full;
- fully exempt information in response to question 3 pursuant to the provisions of Section 40(2)(a)(b) by virtue of (3)(a)(i)

Question 1

Please provide me with a breakdown showing the number of officers suspended in each rank of your force as of June 23 2011.

As of June 23 2011 (i.e. today) how many of your force's officers were suspended on full pay?

Answer

On 23rd June 2011, one Inspector, five Sergeants and seventeen Constables, were suspended. All twenty-three PSNI officers were suspended on full pay.

Question 2

As of June 23 2011 (i.e. today) how many of your force's officers were suspended on less than their full pay?

Answer

No officer was suspended on less than full pay.

Pay and allowances of suspended officers is governed by either Regulation 36(5), 59 and Schedule 7 of the Royal Ulster Constabulary Regulations 1996 or Regulations 23(4), 36 and Schedule 3 of the Police Service of Northern Ireland Regulations 2005 depending when the suspension was effected. In summary, a suspended officer receives full salary and allowance entitlement while suspended unless detained, in pursuance of a sentence of a court, in a prison or other institution to which the

Prison Act (Northern Ireland) 1953) applies or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or has absented himself/herself from duty and whose whereabouts are unknown to the Chief Constable. Full details of the Regulations may be viewed by visiting website www.ppsi.gov.uk.

Question 3

On both lists, please show the date (date/month/year) that each officer suspended as of June 23 2011 from duty on full pay, and the amount of money paid to that officer while he/she was suspended.

Answer

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

Sections 40(2)(a)(b) by virtue of Section 40(3)(a)(i)

All requests made under the FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain. Thus the PSNI must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is very relevant.

Section 40 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 can 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.

The information relates to the salary paid to individual officers and therefore constitutes their personal data. Whilst no individual may be immediately identified from the information sought, taken together there is the potential for the individual to be identified from that information and/or other information that may already be in the public domain or which may appear in the public domain at some time in the future.

A disclosure under the Freedom of Information Act constitutes release to the public in general. Releasing such data would be unfair and unlawful and breach the First Principle of the Data Protection Act 1998. This exemption is therefore engaged.

By way of providing some assistance in relation to your request, I can inform you that as at 1st July 2011, the total salary paid to the twenty-three suspended officers was £ 830,682.30 (figures supplied by the PSNI's Pay Branch).

The information has been compiled by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers.

In each case the officer under suspension is either awaiting termination of criminal/misconduct proceedings or the subject of a criminal/misconduct investigation.

The decision to suspend an officer is only taken in exceptional circumstances after all other options, including 'repositioning' has been considered.

Considerations include:

- (i) The nature and seriousness of the alleged action of the individual(s), including any apparent aggravating or mitigating factors;
- (ii) The strength of evidence or nature of the investigation;
- (iii) The public interest and that of the Police Service;
- (iv) The reputation of the PSNI and the effect on public confidence;
- (v) Whether effective investigation of the allegation may be compromised if the officer remains in post;
- (vi) The nature of the current post held, and alternative posts, and the potential risk to the individual, public, colleagues or operations if the officer is not suspended;
- (vii) The likely outcome of a conviction in court or of a finding against the officer at a disciplinary hearing;
- (viii) The impact on organisational efficiency.

Whilst the PSNI takes extremely seriously any allegation of wrongdoing, the number of cases must be put into context of the overall size of the PSNI of just under 8000 officers.

United Kingdom Police Services do not use generic systems to capture information. For this reason 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 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.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psnipolice.uk. Personal details in respect of your request have, where applicable, been removed to protect confidentiality.