



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-04077

Keyword: Crime

Subject: Allegations of Abuse at Forster Green and Lissue Hospitals

Request and Answer:

Question

In your response to request F-2011-03739, you said that you had received six allegations of abuse at Forster Green and Lissue Hospitals since an NHS report into abuse claims was featured in the media on Wednesday 26 October.

I have several more questions linked to your response:

(i) Could you please tell me how many of these six allegations relate to claims of abuse at Forster Green, and how many relate to claims of abuse at Lissue Hospital.

(ii) You say two of these alleged crimes are reported to have happened in 1979. Do these two allegations relate to Lissue Hospital, or Forster Green Hospital?

(iii) You say one of these alleged crimes is reported to have happened in 2011. Does this allegation relate to Forster Green Hospital?

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17(1) 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.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30(1)(a) – Investigations and Proceedings Conducted by Public Authorities
Section 40(2)(a)(b) by virtue of Section 40(3)(a)(i) – Personal Information

Section 30 is a class based exemption which means that if the information is of the type referred to within the exemption then the exemption applies to it without any consideration of the harm. It is also a qualified exemption which means that a public interest test must be carried out.

Section 40 is a class based exemption and in these circumstances absolute, which means that there is no requirement for a public authority to consider the harm that may be caused by release or carry out a public interest test.

Section 40 has been considered because the level of detail requested would mean that it is likely that the individual who alerted the PSNI to the incidents and the alleged culprits, as an incidental consequence, could be potentially identifiable either by the data controller or by any other person and release of the information at this level of detail would constitute a breach of the Data Protection Principles or be unlawful or unfair to the individuals. These considerations are relevant because any release of information under the Act is a release into the public domain and not just to an individual, no matter what the purpose of the request.

Public Interest test – Section 30

Factors favouring release

To release details of the investigation into allegations of abuse at these hospitals would aid transparency and accountability.

There is a public interest in ensuring that investigations are properly conducted.

Factors favouring retention

The information requested relates to a criminal investigation being conducted by the PSNI.

If the details of the investigation were to be released at this stage, the ability of the PSNI to progress enquiries would be hampered and undermined. Release of details of the investigation may affect the confidence of persons to engage with the PSNI when considering the reporting of any perceived offences.

Balance test

The requirement to withhold information relating to this investigation must take precedence over the important issues of public accountability and transparency. There is a greater need to protect the integrity of police investigations. This means that, at this time, it would not be in the Public Interest to release this information.

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 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.

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.psni.police.uk

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