



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02863

Keyword: Human Resources

Subject: Allegations of Racial Abuse

Request and Answer:

Question 1

I would like to ask in each of the last five years how many allegations of racist abuse, language or other type of alleged racist behaviour have been made against your officers and civilian staff?

Question 2

In each case please give a brief description of the allegation. Please include alleged language used and who complained – was it a member of the public, someone being investigated, a victim of crime or another member of police staff?

Question 3

Please give rank of officer accused or specify if civilian.

Question 4

Please give outcome of each case.

Question 5

Finally, in each of the last five years how many complaints of racial discrimination have been made by police officers and civilian staff? In each case what was the outcome?

Clarification was received with regard to question 5: in this case I am asking about complaints made by police officers and civilian members of staff about alleged racism from other staff members, officers or the force itself. Please tell me how many complaints have been made to the professional standards department and your personnel departments. Please include employment tribunal race discrimination claims.

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 information requested in relation to the service is not held in a central location within the PSNI but is held within each of the District Command Units and Departments. I contacted Central HR, Professional Standards Department (PSD) and Legal Services in an attempt to retrieve the information requested. PSD advised that it would take an estimated 250 hours alone to retrieve the information requested. To retrieve the information regarding allegations made by members of the public against police officers of racism, the relevant information would be contained in OMB50 complaint forms sent by the Police Ombudsman for Northern Ireland (PONI) to PSD. PSD do not record/categorise these forms and from the time-frame requested there would be in excess of 15,000 forms and each form would take on average 1 minute to check through and read the allegation. It is therefore estimated that the total time required for all Districts/Departments to locate, and extract the information requested would take an estimated 275 hours 30 minutes.

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.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. It may be possible that PSD could provide the number of Police officers disciplined at a formal misconduct hearing as a result of an allegation of racism in the last 5 years.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Although excess cost removes the PSNI's obligations under the Freedom of Information Act, I have provided below the information which has been retrieved before it was realised that the fees limit would exceed. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Question 5

In each of the last five years how many complaints of racial discrimination have been made by police officers and civilian staff? In each case what was the outcome?

Clarification was received with regard to question 5: in this case I am asking about complaints made by police officers and civilian members of staff about alleged racism from other staff members, officers or the force itself. Please tell me how many complaints have been made to the professional standards department and your personnel departments. Please include employment Tribunal race discrimination claims.

Answer

There has been 1 complaint of racial discrimination reported by a civilian member of staff and the outcome was the complaint was not upheld, and there was no further action.

The number of race discrimination claims lodged with the Tribunal in each of the last five years is:

2007 = 1
2008 = 0
2009 = 1
2010 = 1
2011 = 1

One claim was settled, one claim was dismissed by the Tribunal, one was struck out by the Tribunal as it was not actively pursued by the claimant and one is ongoing.

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.

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.psnj.police.uk

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