



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03142

Keyword: Human Resources

Subject: Lesbian, Gay, Bisexual and Transgendered (LGBT) Communities

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 to 17, 19, 24 to 26, 28 to 33, 36 to 42, 44 to 45 and 47 to 53 in full; and
- fully exempt information in response to questions 18, 20, 21, 22, 23, 27, 34, 35 and 43 pursuant to the provisions of Section 21 of the Act.
- disclose information in response to question 46 subject to the deletion of information pursuant to the provisions of Sections 38 and 40 of the Freedom of Information 2000 (the Act)

Question 1

Does your organisation have a link to the Gay Police Association (GPA)?

Answer

Yes. PSNI recognise the GPA as one of our minority staff associations.

Question 2

Is there a local group/network for the Gay Police Association?

Answer

Yes.

Question 3

Does any local group receive any funding from your organisation?

Answer

Yes.

Question 4

If it does receive either funding or in kind support, what is/was the financial value of this support for the financial years 2010/11 and 2011/12?

Answer

2011/2012 - £5000 to support Pride parade.
2010/2011 - £3500 to support Pride parade.

Question 5

Does the command team offer any particular support to those involved in the Gay Police Association within your organisation?

Answer

The Senior Executive Board have recognised three minority staff associations and in doing so afford them a number of support initiatives.

Question 6

Do you have connections and arrangements in place with the Gay Police Association to assist in the event of a critical incident that was connected to the Lesbian, Gay, Bisexual and Transgendered (LGBT) communities?

Answer

No.

Question 7

Are there any other networks for LGBT staff within your organisation e.g. through unions for staff?

Answer

The GPA is the only specific LGBT association. All other trade union type associations afford protections to all members irrespective of sexual orientation.

Question 8

How are such networks supported?

Answer

GPA receives funding from PSNI and the GPA Co-ordinator is in receipt of duty credit which affords him time to carry out his GPA responsibilities.

Question 9

Have there been any surveys (including any equal opportunities screening on recruitment) of the number of staff declaring themselves to be LGBT?

Answer

Since September 2005 all new recruits to the Service have been offered the opportunity to declare their sexual orientation on the Equality Monitoring form. In addition, all members of staff have the facility to self declare their sexual orientation on the Human Resource Information System.

Question 10

If so, how many people have declared themselves to be LGBT?

Answer

As at 1st October 2011 there are currently 74 officers/staff who have declared themselves to be LGBT.

Question 11

What is the total staff levels (police, support and combined) of your organisation?

Answer

As at 10th October there were 7166 regular officers, 155 full time reserves and 607 part time officers. There were 2517 support staff. Combined figure is 10445.

Question 12

How do you ensure that all your staff are appropriately trained in diversity issues, including those relating to the LGBT communities?

Answer

PSNI operates a neutral working environment in which individual characteristics are accepted and valued. This environment is supported by numerous policies and service procedures as well as training and awareness initiatives; indeed Article 6 of the PSNI Code of Ethics underpins this commitment to equality. In addition to our general commitment for respect for diversity, PSNI partner with The Rainbow Project and Youthnet to deliver an LGBT Awareness training programme for officers and staff.

The PSNI Code of Ethics can be viewed at the following link;

http://www.psni.police.uk/index/about-us/departments/about_professional_standards.htm

Question 13

Are all staff trained?

Answer

General equality & diversity training is provided to all officers and staff, specific training modules are available on request.

Question 14

Do you arrange additional training that includes LGBT issues for officers involved in specialist roles eg sexual offence liaison, family liaison, public protection etc etc?

Answer

Please see previous answer.

Question 15

How is this training arranged?

Answer

All training is arranged in consultation with line management and the relevant training providers.

Question 16

Are all such specialist officers trained in this regard?

Answer

Please see answer to Question 13

Question 17

Do you have any specially trained Lesbian and Gay Liaison Officers? How do you arrange the delivery of such liaison? How do you ensure adequate training of such liaison officers?

Answer

The PSNI have specially trained Hate Incident Minority Liaison Officers in each policing district who offer support to victims of all 6 forms of Hate Crime. Liaison is arranged through automatic tasking on PSNI recording systems. These officers receive bespoke diversity training.

Question 18

Do you have any specific local definitions of what forms a hate crime?

Answer

Your request for information has now been considered and I am not obliged 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 the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you request is available within PSNI Policy Directive 02/06 Police Response to Hate Incidents. This can be accessed using the following link to the PSNI website;

http://www.psni.police.uk/policy_directive_0206_police_response_to_hate_incidents.pdf

Question 19

Who has ownership of the management of investigations into hate crime, how is this monitored?

Answer

District Commanders have ownership of the management of investigations into hate crime. This is reviewed by an Inspector in accordance with Policy Directive 02/06 Police Response to Hate Incidents.

Question 20

Do you have a distinction between a hate crime and a hate incident?

Answer

Please see response to question 18.

Question 21

How does this effect service delivery?

Answer

Please see response to question 18.

Question 22

How many hate crimes/incidents have been recorded in your organisation?

Answer

Your request for information has now been considered and I am not obliged to supply the information you have requested.

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The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you request may be located on the PSNI website using the following link;
http://www.psni.police.uk/index/updates/updates_statistics/updates_domestic_and_hate_motivation_statistics.htm

Question 23

How many of these were homophobic crimes/incident? How many were detected? Could you supply these figures for the last 2 years.

Answer

Please see response to question 22.

Question 24

Do you have a particular media strategy to deal with hate crime of a homophobic nature?

Answer

Yes.

Question 25

Do you acknowledge that there is likely to be under reporting of all hate crimes?

Answer

Yes.

Question 26

Have you identified methods to try and alleviate this under reporting and improve confidence in those who may encounter hate crime?

Answer

Yes.

Question 27

Has your organisation participated in or commissioned any research in connection to this? If so, what were the outcomes of the research?

Answer

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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 the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you request may be located by accessing the following links;
<http://www.conflictresearch.org.uk/Default.aspx?pageId=1086884>
http://www.nipolicingboard.org.uk/lgb_through_our_eyes_report.pdf.pdf

Question 28

Do you have any arrangements which support third party reporting of offences/incidents?

Answer

Yes.

Question 29

Where and how can any such third party reporting occur?

Answer

Third party reporting occurs through agencies who are in agreement to provide such a facility through face to face liaison. Information is also received via telephone or email.

Question 30

Does your organisation have a policy regarding the policing of public sex environments?

Answer

Yes.

Question 31

Does this take into account issues particularly concerning those who identify themselves as LGBT?

Answer

Yes.

Question 32

Has this policy been used with regards particular public sex environments in the last 2 years?

Answer

Yes.

Question 33

Have there been any arrests and/or prosecutions of LGBT people in connection to public sex environments in the past two years?

Answer

PSNI do not store details of what sexual orientation a person is when they are arrested. Therefore no information is held in relation to this part of your request. However in the last 2 years, a total of 2 persons have been arrested for "sexual activity in a public lavatory".

Question 34

Are there any internal policies and protocols to deal with the risk of secondary victimisation which has been identified by ACPO as a risk in terms of those suffering from hate crime?

Answer

Please see response to question 18.

Question 35

How do you try to ensure that victims do not encounter secondary victimisation where they perceive the police are failing to investigate etc?

Answer

Please see response to question 18.

Question 36

Do you have a lay advisory group with regards diversity matters? Does this include LGBT members of the local community?

Answer

PSNI have a bespoke LGBT Independent Advisory Group made up of various LBGT group representatives.

Question 37

Which organisations do you have links/partnerships with in the LGBT communities?

Answer

PSNI have an obligation under Section 75 of the NI Act to produce an Equality Scheme that details our consultee list . Specific LGBT organisations included on this list are Cara Friend, GLYNI, LASI and The Rainbow Project.

Question 38

Have you had a requirement within your organisation to consider a community impact assessment with regards hate crime involving the LGBT communities?

Answer

Yes.

Question 39

Does your organisation have an awareness of Gay Pride events in your geographic area? Where are these prides?

Answer

PSNI have an awareness of Gay Pride events and attend with information stalls. The Prides are in Belfast, Foyle and Newry.

Question 40

Do you have any official representation at these Prides?

Answer

Yes. PSNI members attend in uniform.

Question 41

Do you permit LGBT staff members to attend these Pride events?

Answer

Yes.

Question 42

Are they permitted to attend in uniform?

Answer

No. They attend in their own GPA polo shirts.

Question 43

Do you have any community policing plans relating to a local gay scene?

Answer

Your request for information has now been considered and I am not obliged 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 the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you seek is available within the PSNI Policing Plan. This may be located on the Northern Ireland Policing Board website by accessing the following link;

http://www.nipolicingboard.org.uk/amended_version_policing_plan_2011-14.pdf

Question 44

Recent ACPO guidance on expressions of faith has specifically referred to tensions between those of faith and LGBT issues. Does your organisation have a plan to deal with any such tensions that occur either internally or with your community?

Answer

Yes.

Question 45

Have you had any notable incidents where such tensions have occurred?

Answer

Yes.

Question 46

Does your organisation have a policy on staff who are HIV+? What is the policy?

Answer

Please see Service Procedure 22/2009 Infectious Disease: Blood Borne Viruses (BBV) (Hepatitis B, C and Human Immunodeficiency Virus HIV) attached below.

Please also see Policy Directive 04/06 Equal Opportunities accessible using the following link;

http://www.psni.police.uk/policy_directive_0406.pdf

Section 17 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 38 (1) (a) (b) - Health and Safety

Section 40 (2) (a) (b) - Personal Information

Section 38 Health and Safety is a prejudiced based exemption which means that the PSNI must demonstrate that it is satisfied that to release the information would be likely to endanger the physical

or mental health of any individual.

It is also a qualified exemption which means that the PSNI must consider the balance of the public interest in releasing the information against the public interest in withholding it.

A summary of the Harm and Public Interest considerations for Section 38 is provided below;

Harm Test - Section 38

Disclosure of the names of persons in roles within PSNI could put these individuals at risk and impact on their safety. The Service is currently under threat from terrorists and releasing names of individuals associated with the PSNI could assist these terrorists in targeting individuals.

Public Interest Test

Factors Favouring Release

Releasing the information would promote openness and transparency. The public would be better informed about the authorship of Service Procedures.

Factors Favouring Retention

Releasing the names of persons who work within the PSNI into the public domain would assist terrorists and criminal elements to carry out attacks on these persons.

Decision

I have determined that the release of names of staff into the public domain would not be in the public interest. The service is currently under severe threat from terrorists and disclosure of this information has the potential to assist those criminal elements seeking to carry out attacks against police officers and police premises. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

Section 40 Personal Information is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998).

All requests made under 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 and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly.

Individuals are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals, both members of staff and members of the public. Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Question 47

How many investigations have there been by your professional standards department which include homophobic conduct? (Clarified as; Investigations by Professional Standards Department into allegations of homophobic conduct by police officers).

Answer

None.

Question 48

How many of these investigations led to substantiated complaints? (Clarified as; The number of substantiated complaints into allegations of homophobic conduct).

Answer

Professional Standards Department have no record of any police officer being disciplined for homophobic conduct in the last three years.

The Police Ombudsman for Northern Ireland are the Northern Ireland independent police complaints body who investigate complaints against police or 'designated staff members' by or on behalf of members of the public. Their web-site www.policeombudsman.org contains statistics relating to the number of homophobic complaints since 2005, categorised by allegation and area where the incident allegedly occurred.

Question 49

What range of sanctions have been used? Please provide this information with regards the last 3 years.

Answer

None.

Question 50

Have there been any employment tribunals brought against your organisation in the last 3 years which allege some homophobic involvement?

Answer

No.

Question 51

If so, how many were upheld? What sanctions were made to the organisation?

Answer

Please see response to question 50.

Question 52

Are any of the staff involved still employed by your organisation?

Answer

Please see response to question 50.

Question 53

Are there any other issues of significance that affect your particular organisation with regards LGBT matters?

Answer

The GPA provide a supporting role for LGBT officers and staff. At this point in time we have no record of any outstanding issues.

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.psnj.police.uk

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