



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-01241

Keyword: Complaints/Discipline

Subject: Staff Suspensions

Request and Answer:

Question 1

(a) For each of the last five years please state the number of officers and staff suspended in each calendar year (even if only for a brief period).

(b) Please break this down by rank if a police officer - e.g. PCSO, Constable, Inspector. For police staff, please break it down by role - e.g. Human Resources, IT support, Mechanic etc.

(c) How many of these were suspended for the whole year? If only suspended for part of the year please state how long.

Question 2

For each category broken down by year, state how many of these have been suspended on full, partial or no pay. e.g. - 4 Inspectors suspended - all on full pay.

Question 3

For each category broken down by year, please state the total that officers have been paid while suspended from duty. e.g. 4 Inspectors paid total of £200,000 while suspended in 2010.

Question 4

Please provide the total amount paid to (a) all serving police officers and (b) all police staff while suspended on duty for each year.

By way of clarification, I am not interested in officers and staff put on restricted duties. For example, this could be a police officer suspended from patrolling the streets but still doing paperwork and other back office tasks. I am interested in officers suspended completely. This may be referred to as gardening leave. I am after calendar years. However, if the figures are available please provide it in financial years so it is up to date as of March 31, 2012.

Your clarification stated that you require the total number of officers' suspended, total time and total cost to be made clear.

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 (18 hours).

Professional Standards Department in PSNI record data in relation to discipline and suspension of Police Officers. PSD has advised that it would take approximately 4 hours to retrieve the rank, service number and length of suspension of the officers suspended, in the requested time-frame. Central Pay Branch would then be required to use this information in order to calculate the amount paid to these officers. However, CPB has estimated this process would take approximately 30 hours.

This estimate of 34 hours in addition to retrieval of the other information requested in relation to civilian staff would therefore greatly exceed the 18 hours cost limit.

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.

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; unfortunately the nature and structure of the information makes this impossible.

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 was retrieved prior to realising that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of the request.

Answer

In the period 2007 – 2011, 123 Police Officers were suspended. Please see the table below which outlines the number of suspensions effected between 2007 and 2011.

2007	
Length of Suspension	Rank
0-6 months	5 x Constables, 1 x Constable part-time
6-12 months	4 x Constables, 1 x Reserve Constable, full-time 2 x Constables part-time
1-2 years	5 x Constables
2-3 years	2 x Constables, 1 x Constable part-time
Total	21 officers
2008	
0-6 months	1 x Sergeant, 11 x Constables, 2 x Constables part-time
6-12 months	1 x Inspector, 1 x Sergeant, 4 x Constables
1-2 years	1 x Inspector, 2 x Sergeants, 7 x Constables, 1 x Full-time Reserve Constable
2-3 years	4 x Constables
ongoing	1 x Constable
Total	36 officers

2009	
0-6 months	1 x Inspector, 1 x Sergeant, 5 x Constables, 2 x Constables part-time
6-12 months	1 x Superintendent, 4 x Constables
1-2 years	1 x Constable
2-3 years	1 x Sergeant, 3 x Constables
Total	19 officers
2010	
0-6 months	1 x Sergeant, 5 x Constables, 1 x Constable part-time
6-12 months	1 x Sergeant, 6 x Constables, 1 x Reserve Constable, full-time
1-2 years	1 x Sergeant, 1 x Constable
2-3 years	None
Ongoing	2 x Constables
Total	19 Officers
2011	
0-6 months	2 x Sergeants, 7 x Constables, 1 x Constable part-time
6-12 months	3 x Constables
1-2 years	None
2-3 years	Not Relevant
Ongoing	1x Inspector, 12 x Constables, 1 x Constable part-time
Total	28 Officers

The decision to suspend an officer is only taken in exceptional circumstances after all other options, including 'alternative duties', have 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.

An officer under suspension is either awaiting termination of criminal/misconduct proceedings or the subject of a criminal/misconduct investigation. It should be noted therefore, that not all investigations result in criminal /misconduct proceedings and not all criminal/misconduct proceedings result in findings of guilt. **Whilst the Service takes extremely seriously any allegation of wrongdoing, the number of cases must be put into context of the average number of PSNI officers from 2007 to 2011 i.e. around 8500.**

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.

Although officers are normally suspended on full pay and allowance entitlement, there are occasions when officers do not receive full entitlement. For example an officer may be suspended but is reduced to half pay because of sickness absence or in the cases of part time officers who receive no salary while suspended.

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 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.psni.police.uk

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