



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-00104

Keyword: Finance

Subject: Payments Made To Professionals

Request and Answer:

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

I have today decided to:

- disclose information in response to questions 2, 3, 4 and 8 in full; and
- fully exempt information in response to questions 1, 9, 10, 11 and 12 pursuant to the provisions of Section 43 of the Act.
- No information is held in relation to questions 5, 6 and 7.

Question 1

What is the hourly rate payable to interpreters for attending at a police station?

Answer

Please see response provided to questions 11 and 12 below.

Question 2

Is this hourly rate enhanced after normal working hours?

Answer

The deaf or hard of hearing interpreter charge is not enhanced after normal working hours. The non English speaker interpreter charge is enhanced after normal working hours.

Question 3

If interpreters are not paid by an hourly rate then what is the standard fee payable to them.

Answer

Interpreters are paid by an hourly rate.

Question 4

What is the mechanism for obtaining the services of an interpreter?

Answer

The services of an interpreter are obtained by contacting the service provider by email or telephone.

Question 5

What is the hourly rate payable to an appropriate adult for attending at a police station?

Question 6

Is this hourly rate enhanced after normal working hours?

Question 7

If an appropriate adult is not paid by an hourly rate then what is the standard fee payable to them.

Answer

The Department of Justice manages the contract with Mindwise who manage the Northern Ireland Appropriate Adult Scheme (NIAAS). The PSNI are not involved in payments. Accordingly, I have determined that PSNI do not hold the information to which you seek access.

You can make a Freedom of Information request to the Department of Justice at the following link;
<http://www.dojni.gov.uk/index/foi.htm>

Question 8

What is the mechanism for obtaining the services of an appropriate adult?

Answer

Custody staff should call the NIAAS switchboard; provide details of the location and custody record number and a staff member will call the custody suite when the request is passed.

Question 9

What is the hourly rate payable to force medical officers for attending at a police station?

Answer

Please see response to questions 11 and 12 below.

Question 10

Is this hourly rate enhanced after normal working hours?

Answer

The hourly rate paid to Forensic Medical Officers (FMOs) is enhanced after normal working hours.

Question 11

If FMO's are not paid by an hourly rate then what is the fixed fee per detained person?

Question 12

If it is not paid by a fixed fee per person, then what is the payment per shift for FMO's?

Answer

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 43 (2) Commercial Interests

This is a prejudice based exemption which means that the public authority must demonstrate that it is satisfied that to release the information would damage someone's commercial interests. It is also a qualified exemption which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Harm Test

Contracts are awarded following a procurement process in which tenders are invited from interested parties. As one means of ensuring fairness in the process, parties do not know the details of any of the other parties' tenders. This includes the price at which services can be delivered. To release the details of the prices offered in a tender of any party would be likely to harm that party's commercial interests.

A new tendering exercise for interpreter services is due to commence next year. Releasing information on the hourly rate paid to interpreters provided by our current service provider would be likely to result in an unfair advantage to competitors in this upcoming tendering process. The hourly rate charged by the current service provider is not currently available in the public domain. If released, competitors could potentially undercut this hourly rate and gain favour in the cost element of a tendering process.

The PSNI Healthcare Governance Board are also currently renegotiating the generic contract with the Association of Forensic Medical Officers in Northern Ireland to govern all healthcare services provided to PSNI from June 1, 2012 to March 31, 2013 including payment arrangements. The PSNI are also planning to go out to full EU tender during 2012/13 for all healthcare services provided to PSNI with a view to awarding new contracts to commence April 1, 2013. Releasing payment information in relation to Forensic Medical Officers could jeopardise the PSNI's attempts to secure a more cost effective healthcare service provision if bidders become aware of what we are paying for such services currently.

In addition, to release this information would harm any future tendering process conducted by the PSNI as the person tendering would only do so in the belief that their commercially sensitive information would not be made public. Release would be likely to threaten the PSNI's ability to obtain services and maintain business confidences.

Public Interest Test

Factors Favouring Disclosure

There is a strong public interest in ensuring that public money is spent correctly and that the PSNI, and therefore the tax payer, gets value for money when purchasing goods and services.

Release would also facilitate the accountability and transparency of the PSNI for decisions taken by them in relation to contracts awarded so that they might be challenged.

Factors Favouring Non - Disclosure

Disclosure of pricing information would make it less likely that companies or individuals would provide the PSNI with commercially sensitive information in the future and consequently undermine the ability of the PSNI to fulfil one of its roles of running fair tender competitions.

Companies compete by offering something different from their rivals and any difference will often be reflected in price. This may also relate to the quality or specification of the product they offer. Information identifying the unique price offered by the PSNI's current service provider for Interpreters

is commercially sensitive and may also inadvertently reveal information about their profit margins.

The PSNI's commercial interests would be prejudiced if it released details of customers' tenders as disclosure of these would be likely to damage the PSNI business reputation and possibly the confidence that future customers and suppliers would have in it.

Release of the current hourly rate paid to FMOs would be likely to operate to the disadvantage of the PSNI at a crucial point in the renegotiations of the contract with the Association of FMOs in Northern Ireland for the period June 2012 to March 2013. In addition, the PSNI plan to tender in April 2013 for a more cost effective healthcare service provision, including FMOs. If potential future service providers became aware of this information it would encourage them to raise their prices and prejudice the bargaining position of the PSNI.

Decision

There are factors which in general terms favour release of this information, however, the factors favouring non disclosure are more specifically relevant. Releasing details of hourly rates paid to current contracts would not be in the public interest as it would be likely to harm the process of future tenders. Prospective customers, who will include current service providers, expect to enter a tender on a level playing field and the PSNI have a responsibility to ensure there is fair competition for public sector contracts. No release of information should be made under the Freedom of Information Act that will give one person a commercial advantage over another. In addition, the PSNI are currently seeking to renegotiate decreased costs for healthcare service provisions and releasing the information at this stage is likely to threaten this, leaving the PSNI, and the taxpayer, at a disadvantage. The exemption under Section 43 (2) of the Act caters for this situation. My decision, therefore, is not to release this information at this time.

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.