



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00940

Keyword: Human Resources

Subject: Occupational Health, Counselling And Welfare Support Services

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 3a, 4a and 5 to 6 in full; and
- fully exempt information in response to questions 3b and 4b pursuant to the provisions of Sections 38 and 40 of the Act.

Question 1

What roles do you employ in relation to Occupational Health, Counselling and Welfare?

Answer

Please see the table on page numbered 1 below.

Question 2

Do you allow staff to self-refer to any of these services? If so, which ones?

Answer

All referrals for core Occupational Health and Wellbeing (OHW) services are via Line Managers on an electronic referral form within the SAP personnel system. No-one can self-refer to employed staff within OHW.

OHW use an external contractor to provide an Employee Assistance Programme available 24/7 for employees to self-refer to. They have access through this for up to 6 sessions of structured telephone counselling. This is a confidential self-referral process. Employees can contact the provider 24/7 no details of the interaction or content are provided back to either their line management or OHW.

Question 3a

Does your force record its Occupational Health, Counselling and Welfare personal details on a standalone ICT platform, within its main HR database, or as paper files?

Answer 3a

OHW uses a separate ICT system to record all medical information and notes. The system is widely used in both private and public health services as a relatively standard product.

Question 4a

What external Occupational Health and Welfare support do you provide? For example, Force Medical Advisor, counselling services, physiotherapy contract, the entire OHU function.

Answer 4a

OHW use a number of external contractors to enable it to provide this service to currently serving officers and police staff within PSNI. OHW does not provide services to ex officers.

Question 3b

Who is your ICT provider?

Question 4b

Please could you provide details of any major contractor used?

Answer 3b and 4b

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 40(2)(a)(b) by virtue of Section 40(3)(a)(i) – Personal Information
Section 38(1)(a)(b) – Health & Safety

Section 40, Personal Information, is an absolute exemption which means there is no requirement on the Public Authority to consider whether there is a public interest in disclosure. This is so because personal data is governed by other law (The Data Protection Act 1998). A disclosure under the Freedom of Information Act is a release of information to the world in general and not just to the individual applicant.

The information exempted by PSNI relates to third parties who we consider could be identified from that information. The release of names of individuals and companies constitutes the 'personal data' of those individuals. We have therefore considered whether the disclosure of this personal data is subject to the exemption at section 40(2) of the Freedom of Information Act 2000 (by virtue of s40(3)(a)(i)). If the disclosure of the personal data would contravene any of the eight data protection principles contained within the Data Protection Act 1998, the exemption at section 40(2) of the Freedom of Information Act 2000 will apply. Section 40(2) of the Freedom of Information Act 2000 by virtue of section 40(3)(a)(i) states:-

“(2) Any information to which a request for information relates is also exempt information if

- a) it constitutes personal data which do not fall within subsection (1), and
- b) either the first or the second condition below is satisfied.

(3) The first condition is –

a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the

public otherwise than under this Act would contravene – i. any of the data protection principles ...”

The eight principles within the Data Protection Act, are principles of good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed ‘fairly and lawfully’. In considering whether it is ‘fair’ to individuals and companies to release this information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. It is unlikely that it would be within the expectations of these individuals that their identification information would be put into the public domain. Therefore disclosure would be in contravention of the first Data Protection Principle as it would be ‘unfair’ to those individuals to release it and PSNI has removed that information.

Section 38 is a qualified and prejudice-based exemption. This means that the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

Harm Test

Releasing the names of companies or individuals engaged by the PSNI would be likely to bring the company or an individual to the attention of terrorists. The terrorist threat can take a number of forms, as terrorists may use a variety of methods of attack to achieve their objectives. By identifying specific companies working for the Police Service under the current level of security threat, the personal safety of their staff and that of their families and/or property could be put at risk of terrorist attack. Identifying individuals would place them at increased risk.

Public Interest Test

Factors Favouring Release

Releasing information would promote openness and transparency. The public would be better informed about the companies and individuals engaged by the PSNI in providing a service and it would assist the understanding of how PSNI spend funds for services provided by outside agencies.

Factors Favouring Retention

Terrorist activity is a real and current threat and the PSNI has a duty of care to protect anyone working for the Service. The PSNI will not disclose any information which may increase the risk of harm to any individual providing a service to the PSNI. To highlight these companies and individuals could endanger their employees and also their families.

Decision

Whilst openness and accountability surrounding the use of public funds and the companies used by the PSNI are always strong arguments in favour of releasing information, the balance will always favour retention where there is a significant risk to the safety of individuals. Any outside companies or individuals providing a service to the PSNI entrust that appropriate decisions are taken with regard to their protection.

At this time, the Service is under severe dissident threat and to release the names of companies and individuals providing a service to the PSNI could assist terrorists in targeting these individuals. The safety of individuals is of paramount importance and the PSNI will not put the lives of individuals at risk.

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 the individual requesting the information. Therefore, at this time, it is our opinion that for these reasons the information should not be disclosed.

Question 5

Which role/department provides clinical reassurance for your Occupational Health, Counselling and Welfare services?

Answer

Each service area within Occupational Health and Wellbeing (OHW) has a Clinical lead who manages the service provision and clinical governance for that specific area within OHW. All OHW practitioners are fully qualified for their role, are registered with their professional bodies and must meet any revalidation or registration requirements.

In addition OHW has a number of internal processes for clinical audit, process improvement and lessons learned. OHW has applied for accreditation under SEQOHS – Safe Effective Quality Occupational Health Services which is administered by the Faculty of Occupational Medicine. SEQOHS Accreditation is the OH Services benchmark recommended by Dame Carol Black.

The interests of the general public and therefore our employees are protected by the following bodies:

General Medical Council
Health and Care Professions Council
Nursing & Midwifery Council

Question 6

Do you use a triage system/decision matrix to establish personal needs/requirements prior to staff being able to access your Occupational Health, Counselling and Welfare services? If so, please can you provide a copy?

Answer

This triage is conducted on an individual basis by the Occupational Health Nursing Adviser (OHNA) and the OHNAs base this on their professional knowledge skills and experience. They do not use a written Triage protocol. Once a referral is received in OHW that has been made by a line manager it is triaged by an OHNA in the first instance. As Case Manager the OHNA then determines what aspects of OHW Services are appropriate or if any additional information is required to enable the referral to progress through OHW.

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.psnipolice.uk

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

