



FREEDOM OF INFORMATION REQUEST



Request Number: F-2016-00003

Keyword: Human Resources

Subject: Staff Suspensions

Request and Answer:

Question 1

Could I please have the following information, how many PSNI civilian staff were suspended on full pay from 1.4.14 to 30.9.15?

Answer

Your request for information has now been considered. In respect of Section 1 (1) (a) of the Act I can confirm that the Police Service of Northern Ireland (PSNI) does hold information to which your request relates. The decision has been taken to supply most of the information you have requested and withhold information in relation to question 2 pursuant to the provisions of Section 40 of the Freedom of Information Act 2000 (FOIA).

16 members of police staff were suspended on full pay during the period 1st April 2014 to 30th September 2015.

Question 2

To include all grades up to and including senior HR staff.

Clarification sought 18.01.16

You seek the number of officers and staff suspended on full pay between 1.4.14 and 30.09.15 to include all ranks can this be understood to mean the number of suspensions effected in this time-frame broken down by rank?

Clarification received

I am seeking information on the number of suspensions in place during that time frame broken down into ranks.

Answer

Section 17(1) of the FOIA requires the PSNI, 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 is:

Section 40 (2) (a) (b) by virtue of Section 40 (3) (a) (i) - Personal Information - Information constitutes personal data and disclosure would contravene any of the Data Protection Principles.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 - Personal Information

The information requested relates to police staff who were suspended on full pay during the period 1st April 2014 to 30th September 2015. Due to the small number of staff at specific or specialist grades it may be possible to identify individuals involved which would breach the first data protection principle, therefore Section 40 clearly relates to the information sought.

Staff suspensions are not announced internally within PSNI, they may be precautionary and taken in line with PSNI policies which require confidentiality to allow for matters to be investigated and fully considered.

Section 40 is an absolute exemption and does not require the public interest or harm to be evidenced to an applicant.

Public Authorities are in general, exempt from the FOIA's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998). When an application for information is made by someone other than the 'data subject', disclosure of that information will often constitute a breach of the Data Protection Act and consequently the public authority will usually be exempt from its duties under the FOIA as a result of Section 40 (2).

I have examined whether the information you requested is personal data as defined within the provisions of the Data Protection Act, particularly the following;

- Does the data relate to or focus on or is it about a living individual(s)?
- Could someone be identified from the data?
- As an incidental consequence could you learn something about an identifiable individual?
- Does the data impact on their privacy either in their work or family life?

If the information you have requested was released and cross-referenced to information already in the public domain or known by certain individuals, such as other members of staff, there is an unacceptably high risk of personal data being revealed which would be in breach of the Data Protection Act and also Article 8 of the Human Rights Act. Police staff have the same rights of privacy and confidentiality as any other member of the public.

In this instance I am satisfied the information requested is 'personal data' as it refers to living individuals and if released as public disclosure, would impact on the subjects' family and private life, which would therefore breach the data protection principles of the Data Protection Act 1998 and as a result is withheld under Section 40(2).

Question 3

What was the cost of these suspensions?

Answer

The full cost of these suspensions was £519,623.06 – this includes Salary plus employers National Insurance and Pension contributions.

Question 4

How many PSNI officers were suspended on full pay from 1.4.14 to 30.9.15?

Answer

51 PSNI officers were suspended on full pay at some point between 1st April 2014 and 30th September 2015. These suspensions either commenced, terminated or were ongoing during this period.

Pay and allowances of suspended officers is governed by Regulations 23(4), 36 and Schedule 3 of the Police Service of Northern Ireland Regulations 2005.

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. Part-time officers receive no salary during suspension.

Question 5

To include all ranks.

Answer

Please see below a breakdown of the ranks of the 51 officers suspended on full pay at some point between 1st April 2014 and 30th September 2015.

1 x Chief Inspector
4 x Inspectors
7 x Sergeants
39 x Constables

Question 6

What was the cost of these suspensions?

2nd Clarification sought

I note that you have confirmed that you seek information on the number of suspensions in place during 1/04/14 and 30/09/15, rather than the number of suspensions commenced between these dates. As you are seeking officers or staff that were suspended at any point in time within these dates, (e.g. suspended on 02/01/13, suspension terminated 06/07/14, or suspended on 27/09/2015, suspension ongoing) it means that an individual salary cost calculation is required for around 50 officers and will place your request over the legislative cost limit of 18 hours in relation to police officers alone.

In light of the above would you be content to receive information in relation to your request excluding the question regarding the cost of suspensions?

2nd clarification received

Yes that would suffice.

Answer

Question withdrawn as per above clarification.

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.