



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01848

Keyword: Complaints/Discipline

Subject: Allegations Of Sexual Harassment Within PSNI

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however 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.

Request

I would like to know how many allegations of sexual harassment in the workplace have been made within the PSNI in each of the past 5 years, that is allegations made by PSNI employees against other PSNI employees.

Please specify the number of such allegations made for each of the five years.

Please also specify how many of these allegations have led to internal investigations.

Please also specify how many of these allegations have led to disciplinary action – if any have led to staff members being fired, please also specify.

Please also specify if any of these allegations have led to prosecutions.

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. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

This question could relate to criminal behaviour, as such organisationally there may be relevant information recorded within investigative records - rather than employee relations records – to which HR would not have access. The information held by Human Resources (HR) relates only to police staff and takes the form of police staff discipline records, bullying and Harassment complaints and Grievance complaints.

There are 613 Grievance and Bullying and Harassment complaints recorded by HR to March 2018, these are in the form of both bullying and harassment and grievance submissions; both compliant types are recorded against attributes which are subject to statutory protection. These are age, dependants, disability, gender, marital status, political opinion, race, religion, sexual orientation and victimisation there is also general category for complaints that fall outside of these. As these categories are selected by the compliant during submission it would require a manual check of these records to establish if they relate to or involve an element of sexual harassment. HR also hold records in respect of 98 police staff formal discipline investigations these would also need to be manually reviewed for relevant information. All grievance and bullying and harassment and discipline submissions are raised by internally to the organisation by police officers and police staff. There are separate investigative protocols for police staff with designed powers these individuals fall within the remit of the Police Ombudsman for Northern Ireland.

There are 613 Grievance and Bullying and Harassment complaints recorded by HR for the period ending March 2018; both compliant types are recorded against attributes which are subject to statutory protection. These are age, dependants, disability, gender, marital status, political opinion, race, religion, sexual orientation and victimisation there is also general category for complaints that fall outside of these. As these categories are selected by the compliant during submission it would require a manual check of these records to establish if they relate to or involve an element of sexual harassment, based on an average time of 15 minutes to review each record this would require 153 hours.

Manual Review of Files Time Estimate: Total 177.5 hours

HR also hold records in respect of 98 police staff formal discipline investigations within the period specified in the request; it would require a manual check of the hard copy files to ascertain if any of these investigations included sexual harassment as an element of the compliant. Based on 15 minutes to review each record for sexual harassment this would take approximately 24.5 hours.

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 at this time I am unable to provide any refinement.

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.

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.