



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02216

Keyword: Human Resources

Subject: Injury on Duty Payments

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 1

The total number of police officers employed by your force.

Request 2

The total number of former officers from your force who are currently receiving injury on duty payments, broken down by levels 1, 2, 3 and 4.

Request 3

The total cost – for the calendar years of 2017, 2016 and 2015 - of those payments (broken down by year, and by level.)

Request 4

How many Regulation 37 reviews you conducted in 2017, 2016 and 2015.

Request 5

How many former officers had their payments reduced in those calendar years, and the total saving to the force of those reductions.

Request 6

How many had their payments increased in those calendar years, and the total cost to the force.

Request 7

Whether any appeals of reviews have been done by way of Judicial reviews or Police Medical Appeals Board in those three calendar years, and if so, how many, and what was the outcome of each?

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’).

Enquiries made in relation to your request has identified that retrieval of information would exceed the 18 hour cost limit set by the Secretary of State under the FOI Act.

In relation to Request 2, Human Resources (HR) have confirmed the banding of each Injury on Duty is not held on their system. Retrieval of this information would require a manual trawl of approximately 2,800 records. Estimating 10 – 15 minutes to examine each record, the retrieval process for this part of your request alone would take in the region of 500 hours, grossly exceeding the appropriate cost limit.

Retrieval of information in relation to Request 3 would require a further trawl, taking an additional 33 hours and in relation to Request 5 and 6, the reason for any change is not recorded on HR’s database and retrieval would involve running a report to retrieve all IOD amendments in each year and a trawl of each record. This process would take a further 30 hours.

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. **Subject to any relevant exemptions it may be possible to retrieve the following information within the appropriate cost limit:**

Request 1

Request 2 & 3 - the total number of former officers receiving an IOD and the total costs of this

for each calendar year.

Request 4 - Regulation 37 relates to the outcome of misconduct hearings/meetings held under the 2016 conduct regulations. Clarification would be required to determine if you require information relating to cases heard under those regulations, or if you wish to include reviews of misconduct hearings held under the 2000 regulations.

In relation to Request 7, I can advise you that Legal Services have confirmed no relevant information is held in relation to Judicial Reviews and Human Resources have confirmed that information in relation to Medical Appeal Boards is held by the Policing Board.

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.