



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2017-02720

**Keyword:** Human Resources

**Subject:** Reports Regarding Sexual Harassment At Work For 5 Years

### 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

How many reports have the police service had internally in relation to sexual harassment at work each year for the past five please?

#### Request 2

How many were made by an officer against another officer?

#### Request 3

How many were made by a member of the public against an officer?

#### Request 4

Can you list these in an anonymous list, per year, with an outcome in each case please?

#### Clarification to you the requester:

You have requested ‘internal reports’, however question 3 relates to reports made by a member of the public.

These reports would not be reported internally but reports are received via PONI.

Can you therefore confirm if you require to include reports by PONI and Professional Standards Department files in relation to his request.

#### Clarification received from you the requester

I would like them both please, even though the latter comes from PONI.

#### Answers

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’).

The information requested is not held in a central location within PSNI. In an attempt to respond to your request I contacted Human Resources and Professional Standards Department who have advised that the information is held both electronically and manually. Human Resources (HR) have advised they hold records for police staff and takes the form of police staff discipline records, bullying and harassment complaints and grievance complaints. To respond to request 2 that Grievance and Bullying and Harassment records are recorded against the individual raising the complaint while Discipline records are recorded against the individual being investigated; in view of this recording methodology answering request 2 would require a manual review of the files. Request 4 there are a total of 697 Grievance and Bullying and Harassment complaints recorded by HR for the period ending December 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 a total of over 174.hours. Therefore to respond to your request in full would well exceed the FOI legislative cost of 18 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 and to provide Request 1 (from both Human Resources and Professional Standards Department) and request 3 (Professional Standards) only, however 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](mailto: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](http://www.psni.police.uk)

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