



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-01948

**Keyword:** Human Resources

**Subject:** Sexual Harassment Claims

### 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 sexual harassment claims have been made against members of your police force over the last six years (2013,2014,2015,2016,2017, 2018 so far), with a breakdown for each year. Please also break this down by claims made against a) police officers and b) police staff. Please say whether the complaint was made by a) member of the public b) police officer/ member of staff.

I would also be grateful if you could indicate the seniority of the staff member e.g. if a police officer, are they a sergeant/ chief inspector/ superintendent.

### Request 2

Of the complaints per year, how many were made against a) men and how many against b) women. Please break this down by year and also by claims made against a) police officers and b) police staff

### Request 3

What outcome/decisions were taken as a result of each these complaints/claims? Please break this down by year and by outcome for a) police officer and b) police staff. I would be grateful if could mark a number of outcomes that fall into the following categories. However, if you log outcomes another way then please just include whatever way that is.

Final Written Warning  
Hearing - Dismissed without Notice  
Local Resolution  
Not Upheld  
Not Upheld - management action  
Ongoing, resigned during investigation  
Upheld - Final Written Warning  
Upheld Management Action  
Upheld Misconduct Meeting

Withdrawn

- Please provide as much detail about cases that resulted in dismissal as possible. E.g what was the nature of the incident/ what ranking was the officer involved (e.g. if a police officer, are they a sergeant/ chief inspector/ superintendent etc.)

Obviously I do not require any details that may make them identifiable but rank and gender, plus any additional information about the case would suffice.

### 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').

Enquiries were made with the relevant PSNI Departments as the information is not held in a central location within the organisation and although the information is held electronically it also require manual intervention.

Human Resources Department (HR) has advised that in the time period requested and up to March 2018, there are a total of 613 'Grievance and Bullying and Harassment' complaints recorded. 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 and to respond to **request 1** 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 a total 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 internally to the organisation by police officers and police staff. 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.

In relation to **request 3** HR hold records in respect of a total 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 complaint. Based on 15 minutes to review each record for sexual harassment for request 3 alone would take approximately 24 ½ hours.

In addition Professional Standards Branch have advised that it would be in excess of the FOI legislative costs due to the research that is required into the 'public complaints' aspect of the request. There have been approximately a total of 30 complaints of sexual assault made against PSNI for each of the years requested (6 years) which in total is 180 complaints. Allowing a conservative estimate of 5 minute per each record to adequately research in order to answer the requested information in relation to rank, outcome, gender of complainant etc. and additional research required in relation to internal claims of sexual harassment would be well in excess of the FOI legislative cost of 18 hours to provide the requested information.

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: although 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, it may be possible for Professional Standards to provide information, for internal claims of sexual harassment only and / or a shorter time period i.e. 1 year.

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.