



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-00560

**Keyword:** Organisational Information/Governance

**Subject:** Custody Healthcare Services

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act (FOIA) we can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you. We further consider that some of the information you seek in request number 1 A is partially exempt by virtue of Section 31 and Section 43 of FOIA and have detailed our rationale as to why these exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

### Request 1A

Identify and share all contracts that pertain to Healthcare and Medical services delivered within the Custody environment. (E.g., dedicated custody healthcare services and other support functions such as Liaison and Diversion services).

Identify the overall contract values for each contract identified.

### Answer 1A

The contract with Force Medical Officers (FMO) has a contract value £7.4m, with the extension value £2.7m and the pathfinder nurse led service in Musgrave custody suite cost is valued at £1.72M.

PSNI do not contract a company to supply custody health care services as Forensic Medical Officers (FMOs) are engaged as service providers but they are not PSNI employees. Therefore the guidelines and standards which they follow are those of the Faculty of Forensic Medicine.

PSNI are providing the contract for Forensic Medical Officers (FMO) in a redacted format for the reasons as articulated below.

As you will see PSNI has made a minor number of redactions to our contractual information. This is to protect information which relates to a police operating environment which if released we consider could prejudice our law enforcement functions. We have also removed information about specific payments made to FMOs which we consider is of commercially sensitivity. When refusing to provide such information PSNI must set out the reasons for doing this under Part II of the FOIA.

In this case PSNI has applied the following exemptions:

**Section 43 (2) – Commercial Interests** – Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it)

**Section 31(1)(a)(b)** – Law Enforcement – the prevention or detection of crime and the apprehension or prosecution of offenders.

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

## **Section 31**

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in releasing the requested information as well as considering the public interest to ensure that withholding the information is the appropriate response

### **Harm/Prejudice**

The release of some contractual information could reveal information relating to policing operating environment and methodologies within the custody setting. PSNI considers this information if released would be of use to those with criminal intent and would prejudice PSNI's law enforcement functions. PSNI then considered the following public interest test factors:

#### **Factors Favouring Disclosure- Section 31**

There is a public interest in increased accountability and transparency of the provision of the provision of healthcare and medical services within custody setting.

#### **Factors Against Disclosure- Section 31**

The release of information which could reveal details of policing methodologies and practices will not serve the public interest and would be of use to those with criminal intent.

### **Decision**

PSNI considers the balance of the public interest favours upholding the exemption.

## **Section 43(2) – Commercial Interests**

Section 43 is a prejudice based exemption which means that the public authority must demonstrate that it is satisfied that to release the information would damage someone's commercial interests. It is also a qualified exemption which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it. In this case the information PSNI has exempted relates to payment schedules to those subject to this contract. PSNI considers this information to be commercially sensitive both within the current contract and relevant to any future considerations in regard to health care provision. Work is ongoing at present with the Department of Health and Social Care, the Public Health Agency and other criminal justice partners to explore the future of health care arrangements in Northern Ireland and secure appropriate referral pathways from custody. Information relating to costings is an important aspect of how this service is delivered and PSNI considers there would be a detriment to its commercial interests. PSNI considered the exemption at section 43 to be engaged. PSNI considered the following public interest test:

#### Factors Favouring Release – Section 43

There is a public interest in informing the public about expenditure of public monies and how PSNI uses its resources.

### Factors Favouring Retention – Section 43

There is a public interest in PSNI being able to engage with stakeholders in regard to the future provision of healthcare arrangements and to ensure best value for money by not revealing information which is commercially confidential.

### **Decision**

PSNI considers the balance of the public interests favours maintaining the exemption so PSNI's commercial interests will not be detrimentally impacted in regard to this contract or to any future health care provision to ensure best value for money is delivered

### **Request 1B**

Where you have entered into a contract, could you please confirm the contracts:

- Commencement date
- Expiry date of the initial term; and
- Expiry date of any applicable extension periods if taken.

### **Answer 1B**

The contract commenced on 1<sup>st</sup> April 2019 – 30<sup>th</sup> September 2020. The extension period is from 1<sup>st</sup> October 2020 – 30<sup>th</sup> June 2021.

### **Request 2**

Where your contract's initial or extended term is due to expire in the next 12 months. i.e., during financial year 2021/22 or the forthcoming year 2022/23, could you please confirm the Forces intentions going forward including:

- (a) Roll forward the existing contract
- (b) Seek alternative providers
- (c) Undertake a formal competitive tender process.
- (d) If the decision is to undertake formal tender process, which tender platform will you use?

### **Answer – Request 2**

PSNI are working collaboratively with the Department of Health, Department of Justice, Public Health Agency and Health and Social Care Trusts to explore delivery of an alternative custody healthcare model, regionally, via a public entity to public entity basis, under the Public Contracts Regulations 2015 the requirement for competition under the provisions of Regulation 12, pertaining to public contracts between entities within the public sector is exempt from the requirement for public procurement, therefore a formal competitive tender process would not be required and a tender platform not needed. Currently Belfast Health and *Social Care Trust are delivering a "pathfinder" nurse-led custody healthcare service in Belfast.*

The PSNI propose to establish a new contract, for the provision of custody healthcare with independently contracted FMOs, outside Belfast, expenditure for this contract will be regulated by a Direct Award Contract (DAC), to be approved by the Department of Justice.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.