



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-01659

**Keyword:** Human Resources

**Subject:** Inspector Promotion Process

### 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) we 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. We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

You requested the following information from PSNI:

I am carrying out research in relation to the recent Inspectors promotion process – Board stage which took place between May and June 2021 and would like to know the following information:

### Request 1

General results:

- a. How many applicants sat the board?
- b. How many applicants passed the board?
- c. What was the daily pass rate (candidates who passed vs. candidates sitting the board)?
- d. How many candidates achieved the standard (20 marks) but were excluded due to a score of 1?
- e. Pass rate by branch of service (DPC, C1, C2 etc.)?

### Request 2

There were multiple panels sitting for each day over the period of testing. Can you provide the following information:

- a. For each panel (identified by a number and dates sat to ensure anonymity)?
  - i. The dates they sat?

- ii. Average mark?
- iii. Minimum and maximum score over the dates sat?
- iv. Daily pass rate?
- v. Overall pass rate?
- b. Overall panel composition?
  - i. Chairperson by branch (percentage) i.e. C1, C2, DPC etc?
  - ii. Police member by branch as per i)?
  - iii. Staff member by branch?

### **Request 3**

#### Governance

- a. Are panel members given instructions on managing scores on how to manage low scores i.e. 1 and 2 (for example are they all told to repeat the questions)?
- b. How much training do panel members receive?

### **Request 4**

#### Moderation

- a. Is there a process to ensure that panels scoring is consistent and how does this operate?
- b. Is there independent statistical moderation of panels to ensure panels do not skew results i.e. at the end of the process?
- c. If issues are identified, how are these addressed to ensure that candidates are not disadvantaged?

### **Request 5**

#### Appeals

- a. Since 2016 when boards were introduced as opposed to OSPRE how many appeals have been upheld at Sgt, Insp, C/Insp, Supt and C/Supt
  - i. In relation to issues during the board process (by rank)(total number upheld)?
  - ii. In relation to results (by rank)(total number v number upheld)?

### **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’).

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request has identified that retrieval of information to respond to your request would exceed the FOI legislative cost of 18 hours as set by the Secretary of State. In regard to Request2 enquiring about panels this question alone would take in excess of 36 hours before adding any further time to answer the remaining questions.

The detail concerning panels is not held on a spreadsheet and we would need to manually check each candidate file equating to 220 files at 10 minutes per file = 36 hrs which is well in excess of the 18 hours.

To provide impartiality and gender equality on panels as best as possible panels are rotated daily and this panel would not necessarily have been in place for example say a whole week/2 weeks. Details of which panel dealt with which candidate are not held on spreadsheet and as mentioned above it would require each file to be checked to retrieve details of the panel and scoring. The extraction of information required to respond may in fact take longer than 10 minutes.

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.

### **Advice and Assistance**

Under Section 16 of the FOIA, PSNI will always try to assist you to refine your request and provide advice where we can. PSNI has considered how your request may be refined to bring it under the appropriate limit.

- Subject to any exemptions which may apply PSNI may be able to provide a response to: Request No 1, 3, 4 and 5.
- However please note that in regard to question 5 some information may be bound by the PSNI Retention and Disposal Schedule and as such would have been destroyed.

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 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

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 their 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.