

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02332

Keyword: Human Resources

Subject: BAME Police Workforce

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 9 (in part) and request number 14 is exempt by virtue of Section 40 of FOIA and have detailed our rationale as to why this 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.

I am requesting statistics in relation to your workforce as a whole, and by comparison the number who are BME. Please may I request the following:

Request 1

Does your force have an active Black Police Association or similar for black, Asian and ethnic minority (BAME) members of your workforce?

Answer

Yes.

Request 2

What is it called?

Answer

The Ethnic Minority Police Association.

Request 3

How many officers, support staff and PCSOs do you have?

Answer

As at 1st January 2021 there were a total of 7027 'Regular Officers', 2575 'Police Staff' and 250 'Part-time Reserve Officers'.

Please note that PSNI do not employ Police Community Support Officers (PCSO's).

Request 4

How many of those are BAME workforce (officers, support staff and PCSOs)?

Answer

A total of 41 'Regular Officers' and 20 'Police Staff' have declared they have an ethnic minority background.

Request 5

How many current Attendance Management cases do you have? (Force compared to BAME)?

Answer

A total of 152 Written Improvement Notices (WINs). This total is broken down as follows: a total of 132 refer to 'active members' and are a further 20 persons as follows: have left the service, student officer or are on a career break.

These 152 WINs refer to 134 members within the organisation as 18 members have been moved from a formal to a final WIN and are therefore on our records are recorded 'twice' having two WINs in place, which brings the total to 152. BAME = 0% compared to Headline figure of 0.58% as of 1st January 2021.

Request 6

How many current Complaints do you have? (Force compared to BAME)?

Answer

The PSNI Bullying and Harassment (B&H) forms where the complainant is asked to self-identify the category of their complaint, as of the 31st December 2020 there were 0 open B&H cases related to BAME staff/officers. The overall number of open B&H cases at 31st December 2020 was 18.

In addition Information in relation to Force compared to BME regarding complaints is not recorded. The Police Ombudsman for Northern Ireland provides an independent complaint system and investigate complaints against police or 'designated staff members' by or on behalf of members of the public, of which there are around 3000 complaints received annually. Whilst PSNI Discipline Branch, Service Improvement Department, receive notification from the Ombudsman of these complaints, a central record is not maintained. To retrieve the information for one year alone would entail the examination of over 3000 records, estimated at around 50 hours to extract this information and therefore massively exceed the "appropriate costs limit".

Request 7

How many current Disciplinary cases do you have where regulation 21 notices have been served to attend a misconduct meeting/hearing? (Force compared to BAME)?

Answer

As of January 2021, there are currently a total of 19 misconduct cases where notices have been served on officers to attend a misconduct hearing or meeting, however information in relation to BME is not recorded.

Request 8

How many current Employment Tribunals do you have, regardless of type of complaint? (Force compared to BAME)?

Answer

As of January 2021, there are 23 Employment Tribunals. A total of 20 whose ethnic background is white and a total of 3 whose ethnic background is not known.

Request 9

How many current Grievances do you have, regardless of type of complaint? (Force compared to BAME)?

Answer

As of 31st December 2020 there were a total of 19 ongoing grievance cases.

To provide the data for BAME as extracted from the grievance forms where the complainant is asked to self-identify the category of their complaint is considered to be low level and identifiable information and therefore is exempt for the reasons as articulated below.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 40(2)(a)(b) by virtue of 40(3)(A)(a) Personal Information – Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

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

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA'). Personal information in relation to a person, and therefore this information constitutes information which can identify an individual is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. We have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). As information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed in a lawful and fair manner. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Individuals must have confidence that their information is treated sensitively and appropriately by PSNI. We consider those individuals would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation.

This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it and the PSNI has made the decision to withhold that information

Request 10

How many current Incapability/capability cases do you have? (Force compared to BAME)?

Answer

None

Request 11

How many current Regulation procedures (Misconduct and Gross Misconduct) do you have? (Force compared to BAME)?

Answer

As of January 2021, there are currently a total of 88 ongoing misconduct and gross misconduct proceedings. Information in relation to BME is not recorded.

Request 12

How many current Unsatisfactory Performance Procedures Tribunals do you have, or equivalent? (Force compared to BAME)?

Answer

As of June 2021, there are no cases.

Request 13

Black and Asian people are known to be at higher risk from COVID-19. What plans did you implement for risk assessing your BAME workforce against the infection during 2020?

Answer

PSNI provided relevant advice and guidance for Line Managers and also Employees identified as BAME, including a demographic risk assessment for the vulnerable or extremely vulnerable categories or identified as Black, Asian Minority Ethnic (BAME).

Request 14

What grade, pay scale or band is your most senior BAME police staff? What is their gender?

Answer

PSNI consider this information to be identifiable information which we are exempting under **Section 40(2)(a)(b) by virtue of 40(3)(A)(a) Personal Information** – Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

The rationale has been articulated in our response to request number 9.

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.

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.psnipolice.uk

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