



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2020-01434

Keyword: Complaints/Discipline

Subject: Student Officers Disciplinary Proceedings

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

You requested the following information from PSNI:

Request 1

Since 1 January 2015 to the present day, how many student police officers in the PSNI have been involved in disciplinary proceedings?

Clarification to Requester

Please can the requestor give further clarification in respect of the term disciplinary proceedings: Does this refer to Regulation 6 hearings or is it wider disciplinary outcomes and does it relate to performance or conduct or both. Specifically what information is required? (Answer to this clarification question determines the information provided under Request 2 and Request 3)

Clarification from Requester

Any investigation launched into potential misconduct or gross misconduct.

Request 2

Please provide a breakdown of why the above student officers were involved in disciplinary proceedings? (I.e. what were the allegations against them?)

Request 3

Please provide a breakdown of the outcomes to all the above disciplinary proceedings (i.e. no action taken, forced to re-take the training course from the beginning, put back x no. of weeks in the training course, written warning, final written warning, dismissal, forced to resign, resigned).

Request 4

Since 1 January 2015 to the present day, how many student police officers in the PSNI have been placed on sick leave, for any reason?

Request 5

Since 1 January 2015 to the present day, how many student police officers have been placed on sick leave or injured as a direct consequence of participation on the student police officer training course (including the physical education element of the course)?

Clarification to Requester

Please can the requestor provide clarification on the exact meaning of 'direct consequences of participation in the course'

(Answer to this clarification question determines the information provided under Request 6)

Clarification from requester

As stated, any sickness that resulted from direct participation in the Student Officer Training Course e.g. injury occurred whilst fulfilling the Physical Education element of the course, injury occurred whilst undertaking during Personal Protection training, stress as a result of the course etc.

Further clarification to requester

I do apologise, however we have been advised by a different record owner to enable them to meet your request could you please provide further clarification on the following; For Request number 5 - what is meant by 'direct consequence of participation' – are you only looking injuries reported during training sessions/classes, or do you want all other injuries which may have happened in canteens or walking round complex between classes i.e. slip/trip/fall.)

Further clarification from requester

Injuries reported during training sessions/classes.

Request 6

Re no.5, what was the nature of these injuries/ reason for being placed on sick leave?

Request 7

How many Regulation 6 (student officer disciplinary) hearings had Chief Inspector (XXXXX) presided over prior to 20 September 2018?

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 would exceed the 18 hours cost limit set under the FOI Act by the Secretary of State. The information requested although it is held electronically, it is not held in a readily retrievable format. To respond to request numbers 5 & 6 within the timeframe requested a manual trawl of all recorded student officers placed on sick would need to be carried out. With 202 Student officer sick records recorded for that time period, each taking approximately 15 minutes per record to read through this would equate to approximately 50.5 hours thus exceeding the FOI cost limit.

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.

It is possible to provide information for Request numbers 1 – 4 and request number 7 within the FOI cost limit, however please note in particular requests 2 and 3 if broken down by year this will be subject to any relevant exemptions.

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.

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

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