



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02492

Keyword: Organisational Information HR Employment and Other

Subject: Rank Ratios

Request and Answer:

Your request for information 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 (PSNI) does hold information to which your request relates. The decision has been taken not to supply the information you have requested and the reasons for this are set out in more detail below. 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.

You sought the following information from PSNI:

Request 1

Please provide minutes of any Senior Management Team/Senior Leadership Team meetings from the last 6 months where rank ratios and possible reductions in numbers across ranks have been discussed.

Request 2

Please provide minutes from Senior Management Team/Senior Leadership Team meetings from the last 6 months that discuss workforce number projections currently and going forward

Clarification sought from Requester:

Can you please confirm if you are seeking information on all Senior management meetings across PSNI (for example a management meeting of a branch or unit) or if you are seeking information of meetings involving PSNI's Senior Executive team?

Clarification Received From Requester:

I am content at this stage to receive information on Senior Executive Team meetings only.

Answers 1 and 2

Section 17(1) of the FOIA requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors PSNI considered when deciding where the balance of the public interest lies, are listed below:

Section 36 (2)(b)(c) of the FOIA – Disclosure Prejudicing the effective conduct of public affairs

The full text of exemptions at Part II of the FOIA 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. PSNI specifically considered the guidance relating to the section 36 exemption in this case. This can be accessed at the following link for your ease of reference:

<https://ico.org.uk/media/for-organisations/documents/2260075/prejudice-to-the-effective-conduct-of-public-affairs-section-36-v31.pdf>

Section 36(2)(b)(c) of the FOIA states information is exempt if in the reasonable opinion of a qualified person –

*(b) (i) information which would, or would be likely to inhibit the free and frank provision of advice
(ii) inhibit the free and frank exchange of views for the purposes of deliberation or*

(c) would otherwise prejudice the effective conduct of public affairs.

Information to which this exemption applies is exempt from disclosure if, in the reasonable opinion of the ‘qualified person’, disclosure of this information under the FOIA would inhibit the free and frank exchange of views and advice for the purposes of deliberation.

For the purposes of the FOIA, the qualified person with authority designated in respect of Section 36 within PSNI in this case is ACC Operations Support Department. He has viewed the material requested, attended the meetings in which the matters your requests refer were discussed and given his opinion that disclosure of the material contained within the parameters of your request would be likely to prejudice the effective conduct of public affairs as well as inhibit the ability for PSNI to consider the candour of views provided in making resourcing decisions and maintaining service delivery in a challenging financial environment.

Section 36 (2) is expressed in broad terms and in order for the opinion to be reasonable the qualified person in this case considered it was clear that the prejudice or inhibition would arise. PSNI is aware that the term ‘inhibit’ is not defined within the FOIA. We have considered it to mean to restrain, decrease or suppress the freedom with which opinions or options are expressed.

It is in the public domain PSNI is facing a significant current and ongoing challenging financial situation. The Chief Constable has provided detailed briefings to the Northern Ireland Policing Board and other key stakeholders throughout the course of the year on these difficulties. The Chief Constable’s Accountability Report to the Policing Board provided each month is available on the PSNI website. In his most recent report to the Board the Chief Constable once again updated on the challenging financial environment in which PSNI is operating. This report is available at the following link below. In his report he states:

“Whilst there have been glimmers of hope in recent days regarding the short term outlook, the 2023-2024 financial year disconcertingly remains uncertain. Nevertheless, we will continue to fully assess and respond to the impact of ongoing financial pressures through our weekly Resource Allocation Meeting (RAM). As the impact of RAM decisions begin to take shape, supported by the work of our Transformation Department through a better understanding of our demand analysis, we will keep the Board and the public informed”.

Section 36 (2) (b) (i) (ii)

The information you have sought including rank ratio considerations, and future resourcing decisions going forward is a very live matter for PSNI; considerations and decision making are ongoing and the information you seek is being withheld from disclosure at this time. Current resourcing considerations and decisions for the organisation are being taken by PSNI's Resource Allocation Meeting (RAM) which now holds weekly meetings given the challenging operating environment. It is important for those attending this meeting to be able to explore all resourcing options in a safe space. The complexity of the discussions and the extent of interdependencies between the respective business areas necessitates a free and frank exchange of views in order that appropriate deliberation can take place and service delivery maintained in a challenging financial environment. The disclosure of such records now would likely inhibit such a free and frank exchange and would thereby prejudice the effective conduct of public affairs.

Public Interest Test

This exemption at section 36 (2) (b) of the FOIA is not absolute and when considering whether to apply it in response to a request for information there is a public interest test. PSNI considers the purpose of this exemption relates to the processes that may be inhibited, rather than what is in the information. The issue is whether disclosure would inhibit the processes of seeking advice or exchanging views. PSNI considered whether the public interest favours withholding or disclosing the information.

Factors Favouring Release – Section 36 (2) (b) (i) (ii)

There is a public interest in making this information available in order to increase transparency in the deliberation undertaken by the PSNI and the consideration of views, exchanges and options provided to inform future service delivery.

Factors Favouring Retention – Section 36 (2) (b) (i) (ii)

There is a public interest in PSNI being able to consider views provided under a process of candid discussion, consider frank assessments as well explore options, and revisit decision making as a part of the process of deliberation. Making information available prematurely could affect PSNI's ability to continue to seek out views in a very real time challenging financial environment, consider frank assessments and continue to deliberate in future without eroding the confidence of those public and communities served by PSNI.

Section 36 (2) (c)

This limb of the exemption refers to the prejudice to the effective conduct of public affairs which we consider could refer to an adverse effect on PSNI's ability to offer an effective public service or to meet our wider objectives. A part of PSNI's objectives is to deliver an efficient police service, use resources effectively ensuring best value for money is achieved as well maintaining public confidence and any decision making. The ability for PSNI to respond to the challenges of the current financial climate, adapt, evaluate and make future resourcing decisions would be prejudiced by premature release of material and erode the confidence of the public. This exemption also carries a public interest test. PSNI considered the following public interest factors:

Factors Favouring Release – Section 36 (2) (c)

There is a public interest in making available to the public information which highlights how PSNI delivers its service, how the needs of the community we serve are met and how PSNI makes decisions in relation to the delivery of its service and use of resource.

Factors Favouring Retention - Section 36 (2) (c)

There is a public interest in PSNI being able to explore a range of options and take advice as it

makes difficult resourcing decisions in response to information and ensure it is achieving its service delivery obligations. It is the view of PSNI that at this time there is a strong public interest in preserving the ability for PSNI to candidly take account of resourcing considerations and have regard for all the options being explored, make difficult decisions as needed, as well as maintaining the integrity of future service delivery which would be undermined if premature disclosure undermined the confidence of the wider public.

Decision

On consideration of the balance of the public interest, PSNI considers that the factors favouring withholding the information are stronger than those in favour of disclosing the requested information. Taking into account all of the circumstances in this instance we consider the public interest favours withholding the information to which the exemptions relate.

Timing of the request

Whilst PSNI considers that the information you are seeking to be exempt at present we do recognise that there may be a time in the future when the prejudice to the effective conduct of public affairs would be less likely to occur, and in particular when matters currently under deliberation become decided upon and organisational positions adopted and more information made available. At present however we consider the material you seek to be exempt. PSNI is aware the current challenging financial climate will likely continue for the foreseeable future, coupled with a wider societal cost of living crisis. In the interests of transparency the Chief Constable and other members of the PSNI senior team will continue to engage with key stakeholders including accountability bodies such as the Northern Ireland Policing Board to highlight the significant financial challenges and inform them of decision making in terms of addressing this ongoing financial challenge.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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

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