



FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

FOI Reference number: FOI 06/2024

Date: 7 February 2024

Request:

Please can I request a copy of the guidance from the Policing Board issued to SMP and IMR as mentioned within the draft Statutory Rules: The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2023.

These regulations make amendments the Police Service of Northern Ireland and Police Service of Northern Ireland (Injury Benefit) Regulations 2006 and make provision to place the guidance provided by the Board to Selected Medical Practitioner (SMP) and Independent Medical Reviewer (IMR) to carry our Injury on duty assessments on a statutory footing.

Answer:

I can confirm that the Northern Ireland Policing Board (the **Board**) holds the information you requested. However we are withholding that information since the exemption under section 22 of the FOIA (Information intended for future publication) applies to it.

The document requested is a joint document between the Board and the Department of Justice (**DoJ**). A consultation has recently closed in relation to the guidance document, therefore with that in mind as it is still in draft format it cannot be released until it is final. The final version of the document requires passing through the Assembly to obtain statutory footing, therefore at this stage it may be subject to further amendments. Following passing through the Assembly, the information will be available on the Board's website at the following link:

[Police Pensions and Injury Benefits | Northern Ireland Policing Board \(nipolicingboard.org.uk\)](https://nipolicingboard.org.uk)

The section 22 exemption is a qualified exemption and is subject to consideration of a public interest test. This means that a public authority must determine whether, on balance, it considers it to be in the wider public interest to maintain the exemption, or to release the requested information. We have carried out a public interest test, (attached) and we are satisfied that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

If you have queries about this request or the decision, please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should contact the Board's Chief Executive -

Via Email: foi@nipolicingboard.org.uk

Or in writing at the following address:

Northern Ireland Policing Board
James House
Block D
2 – 4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

You should contact the Board within 40 working days of this response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at the following web link –

www.ico.org.uk/foicomplaints

or in writing at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114

Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

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

Exemption at Section 22 of the FOIA – Information Intended for Future Publication

PUBLIC INTEREST TEST CONSIDERATIONS

Requested information – A copy of the guidance from the Policing Board issued to SMP and IMR as mentioned within the draft Statutory Rules: *The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2023*.

Arguments that weigh in favour of disclosure

Release of the information would promote transparency, accountability and participation.

Providing the requested information is in line with the spirit of openness and transparency enshrined within FOI legislation.

Arguments that weigh in favour of maintenance of the exemption

This document is a draft document shared between the Department of Justice and the Northern Ireland Policing Board. The finalised version of this guidance document is not yet available.

A consultation exercise has only recently closed on this guidance document. With that in mind the next stage of the process will involve the document passing through the Assembly to enable it to be placed on a statutory footing. At this stage it may be subject to scrutiny requiring further amendments to be made.

The Board should not place information in the public domain that may be inaccurate and subject to future amendment.

Decision

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.