



## FREEDOM OF INFORMATION REQUEST

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

**FOI Reference number: FOI 69/2024**

**Date: 9 September 2024**

### **Request:**

The following questions are in follow up to information provided by the Board in response to F.O.I. requests 43/2022 and 03/2023.

Question 1.

Is it the Boards position, that in each and every case were it relies on Reg 10(2) there is no medical evidence to suggest a possible “implementation date” attached to the applicants medical file.

### **Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide an opinion rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

Question 2.

In the interests of honesty, impartiality, openness, accountability, accuracy, fairness, integrity, transparency, objectivity and reliability. Were all the applicants appropriately involved in this process in an endeavour to establish a date for commencement of the award in the above 53 cases. (para 15 DB's Application)

### **Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide commentary rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

### Question 3.

Scofield is critical of the N.I.P.B. for instructing the SMP to include the "Implementation Date" on his certificate but that practice still continues to this day!. He also recommends that when considering an 'Implementation Date" that Board officials may seek permission from the applicants to view their medical files to assist in establishing a date. Were any of the applicants asked by Board officials to access their medical files?

#### **Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide commentary rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

### Question 4.

Did the Board avail of the option to have any of the above applicants examined by an independent medical expert to assist with establishing a date of commencement of the award to mirror the action taken by the Board as respondent in DB's Application.

#### **Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide commentary rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

### Question 5.

If the answer to the above question is no. What was the Boards reasoning not to avail of this option.

#### **Answer –**

See answer to question 4.

### Question 6.

What weight does the Board attach to medical evidence provided by Consultant Psychiatrists compared with conflicting medical opinion by a SMP as a Quasi Judicial Decision Maker as required within the Regulations.

#### **Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide commentary rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

Question 7.

Why does the N.I.P.B. routinely endorse decisions made by the SMP that clearly contradict the universally accepted norms of “on the Balance of Probabilities” (Scofield 6.41)

**Answer –**

The FOIA provides for access to recorded information and requires that the applicant describe the information sought.

The above question asks the Policing Board to provide commentary rather than to provide a copy of recorded information. As such the question is not a valid request for information under section 8(1)(c) of the FOIA.

Question 8.

What standard quality assurance checks (if any) were applied to the above 53 cases and what were the findings.

**Answer –**

The Board undertakes a quality assurance exercise in respect of all medical reports and certificates produced by the SMPs and IMRs. This involves consideration of the reports against a checklist. The quality assurance process is administrative and is to ensure: the correct statutory questions have been asked of the doctors; that a response to each of the questions has been provided and a clear rationale has been given by the SMP or IMR in support of the decision made; spelling and grammar are correct; and, ensuring that the correct names, force numbers and other personal data is correct and consistent throughout the reports.

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](mailto: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. You should make complaints to the ICO within six weeks of receiving the outcome of an internal review.

The Information Commissioner can be contacted at the following web link –

[www.ico.org.uk/foicomplaints](http://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](mailto:ni@ico.org.uk)

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