



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: FOI 71/2024

Date: 9 September 2024

Request:

I have extracted the paragraph below directly from the NIPB website. To reinforce the Boards position on the subject matter the author has kindly typed the last sentence in BOLD so that it is clear and unambiguous.

"The Board is continuing to receive enquiries from former officers and their representatives and are responding to these on a case by case basis to confirm that despite the specific circumstances of the Judgment, there is no automatic entitlement in law to the backdating of an IOD award to the date of retirement."

On the 10th March 2020 the N.I.A.O. published a report on "Injury on duty schemes for the Police Service Of Northern Ireland and the Northern Ireland Prison Service".

Five days before publication a copy was sent to the N.I.P.B. on the 5th March 2022. I have communicated with the N.I.A.O. and they have confirmed that this is a standard procedure that allows the public body who is subject to the audit to "Fact check" the document for accuracy. This is a prerequisite before publication takes place. They received no correspondence from the NIPB to suggest there was inaccuracies in their finished report prior to publication or after publication.

On page 7 paragraph 15. The following is recorded .

Backdated awards are having a significant impact on the spend

15. Where claims are made a number of years after the injury, or where an appeal is made by an applicant against an award decision, the injury award will be backdated to the date of injury or the day they left the service. This means that not only is the organisation paying lump sums and injury award out of its budget in the year that the award is approved, but it may also have to pay out arrears of injury awards.

Question 1.

If it is the Boards case that the NIAO statement is incorrect.

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

What steps did it take to correct the error and why was it never discussed at subsequent Resource committee meetings or Policing Board Meetings.

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 a 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.

If it is the Boards position that the NIAO statement is correct then :

Question 3.

When will the NIPB start the process to compensate those former injured Police Officers who have been denied their legitimate pension entitlements by not having their I.O.D. award paid from the date of retirement.

The NIAO report is widely accepted as a root and branch critique of the IOD award process and all aspects of the process appear to have been explored by the authors of the report.

The Director of Police Pension and Injury Benefits recently indicated in correspondence that unless an officer had retired on an ill health basis she would apply reg 10[2] to each and every applicant, which required the Board to consider an "Implementation Date". This would apply to a considerable number of applicants and have a significant impact on the annual fiscal commitments of the PSNI. [Depending on banding]. The process for determining an Implementation Date has been employed by the NIPB from 2009.

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 a comment 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.

Why did the NIPB not make the NIAO aware of this unique Northern Ireland Policing Board specific process.?

To apply Reg 10[2] in any particular case certain condition must prevail at the time of that decision. ie NO medical evidence is available that would [on the balance of probabilities] allow the Resources Committee to establish a date that the disability commenced. This position is supported by both Scoffield and Tracy J.. The SMP should only be consulted in these limited circumstances.

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 a comment 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.

Why is there no involvement of the Resources Committee in this process

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 a comment 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 6.

Why do Board Officials involve the SMP when there is an abundance of available medical evidence attached to each 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 a comment 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.

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. 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

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.