



FREEDOM OF INFORMATION REQUEST

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

FOI Reference number: FOI 96/2024

Date: 15 November 2024

Request:

Could I please be provided with a copy of the paper that was presented to the Resources Committee by The Director Of Police Injury Benefits on the 16th December 2021. As referred to at 6.6 of the minutes of the meeting.

Answer:

Please find attached a copy of the document requested. Where redactions have been made this is because the following exemptions apply.

- **Section 36 Prejudice to effective conduct of public affairs.**

The specific sub sections being relied on are Section 36 (2) (b) (i) and (ii), and Section 36 (2) (c) of the Freedom of Information Act 2000.

Section 36 (2) (b) states:

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

Would, or would be likely to inhibit –

- (i) The free and frank provision of advice, or
- (ii) The free and frank exchange of views for the purposes of deliberation.

Section 36 (2) (c) states:

Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act –

‘would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.’

The information, within the scope of your request, has been shown to the ‘Qualified Person’ who for the Board is the Chief Executive. The ‘Qualified Person’s’ opinion is that the exemptions at Section 36 (2) (b) (i) and (ii) and Section 36 (2) (c) are engaged.

As this exemption is a qualified exemption the Board has gone on to carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Having conducted the public interest test it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time. A copy of the public interest test is attached at Annex A.

Request:

Could I please be provided with a copy of the Consultation document as referred to in the minutes.

Answer:

The information requested, specifically the Department of Justice Consultation document titled 'Proposed changes to the Police Service Northern Ireland Injury on Duty Scheme', may be found on the DOJ website at the following link: [Consultation on Proposed changes to the Police Service Northern Ireland Injury on Duty Scheme | Department of Justice](#)

Request:

Also any other documents generated by this consultation to include but not limited to the document that contains the views of the Resources Committee as referenced by the Director Of Police Pension and Injury Benefits in the penultimate paragraph of the minutes.

The Department of Justice Consultation on Proposed changes to the Police Service Northern Ireland Injury on Duty Scheme opened on 26 March 2024 and closed on 17 July 2024. 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 36 of the FOIA (Prejudice to effective conduct of public affairs) applies to it.

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Having conducted the public interest test it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time. A copy of the public interest test is attached at Annex A.

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.

NORTHERN IRELAND POLICING BOARD	
RESOURCES COMMITTEE	
16 December 2021	
Paper Title:	Progress report on the implementation of recommendations within Northern Ireland Audit Office report entitled “ <i>Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service</i> ”
Agenda Ref No:	6.6
Lead Official:	██████████, T/Director of Police Administration
Purpose of Paper:	For Members to note the progress made by key stakeholders since the publication of the Northern Ireland Audit Office report entitled “ <i>Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service</i> ”
Considerations:	<p>(i) Resources: None.</p> <p>(ii) Equality: None.</p> <p>(iii) Publication Status of paper: This paper is likely to be disclosable under Freedom of Information.</p> <p>(iv) Related Corporate Plan/Business Plan measure: <u>Corporate Plan, Objective D:</u> To deliver independent, fair and transparent processes for former and serving officers in line with Police Pension, Injury Benefit and Appeal legislation.</p>
Action Required by the Board / Committee:	For Members to note the progress made by key stakeholders since the publication of the Northern Ireland Audit Office report entitled “ <i>Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service</i> ”

1. BACKGROUND

- 1.1 The Northern Ireland Policing Board (the **Board**) is responsible for managing and administering the PSNI Injury on Duty (**IOD**) scheme pursuant to the *PSNI & PSNI Reserve (Injury Benefit) Regulations 2006* (the **Regulations**).
- 1.2 In respect of IOD awards, the ultimate decision in terms of eligibility of any award rests with the Board and Members will further note that responsibility for any final decision on an application under the Regulations is delegated to the Resources Committee by virtue of the Committee's Terms of Reference.
- 1.3 IOD awards are made to police officers for injuries sustained on duty and the PSNI scheme is one of the largest injury schemes within central government in Northern Ireland. As liabilities for the PSNI scheme (as well as the Northern Ireland Prison Service scheme) increased rapidly over a number of years the Northern Ireland Audit Office (**NIAO**) undertook a review of both schemes and produced a report in early 2020 to consider the key issues facing the schemes and to explore what action is being taken to mitigate them.
- 1.4 The purpose of this paper is to provide a refresher to Members as to the recommendations made by the NIAO and provide an update on the status of any recommendations for which the Board plays a whole or partial role.

2. NIAO REPORT

- 2.1 On 10 March 2020 the Northern Ireland Audit Office (**NIAO**) published its report entitled "*Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service*" (the **NIAO Report**).
- 2.2 A full copy of the report was shared with the Board on publication and a copy can be accessed on NIAO's website for review by Members.¹
- 2.3 In terms of the main findings of the NIAO these can be broadly summarised as follows:
 - The schemes are challenging to administer and fund;
 - The nature of injuries has changed;
 - The payment of awards is not always equitable;

¹ [Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service | Northern Ireland Audit Office \(niauditoffice.gov.uk\)](#)

- The number of claims is substantial and rising;
- The cost of IOD obligations is increasing;
- Backdated awards are having a significant impact on the spend;
- There are no time limits for applying for an award;
- Administrative processes are complicated and inefficient;
- Offset arrangements are not working effectively;
- Management information within the PSNI scheme is not fit for purpose;
- Changes to legislation is necessary

3. NIAO RECOMMEDATIONS

3.1 Following engagement from key stakeholders and on production of the NIAO report, 4 recommendations were identified. These are outlined below:

RECOMMENDATION 1	A fundamental review of the PSNI Scheme should be undertaken, similar to the ongoing review of the NICS IOD scheme by the Department of Finance. These reviews should provide greater clarity on the aims of the scheme, how they will be achieved and what checks and balances are required to ensure the appropriate use of public money. The reviews should seek greater consistency between the schemes and research the approaches taken by the other similar schemes.
RECOMMENDATION 2	The review of the PSNI scheme should simplify and streamline the end-to-end process. This should include reconsideration of the respective roles of the PSNI, the Policing Board and the Department.
RECOMMENDATION 3	A new case management system for the PSNI scheme would provide better reporting and analysis of management information. This should be taken forward once the fundamental review identifies any changes needed to the scheme, to ensure that the new system can effectively support the processing of IOD claims under any revised scheme.

RECOMMENDATION 4	<p>The Department of Justice, Department of Finance and the Northern Ireland Policing Board should take action in the short term to mitigate the issues arising within the current schemes to include:</p> <ul style="list-style-type: none">• Timely amendments to legislation to resolve offset issues;• Ensuring any further legislation to facilitate payments to individuals who also receive IOD awards includes offset provisions (for example the impending Victims Payment Scheme);• Providing clearer guidance to medical practitioners until the reviews of the schemes are complete; and• In their role as final decision makers considering whether further reviews of cases are appropriate.
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5. CONCLUSION

- 5.1 Work remains ongoing in relation to all recommendations made by the NIAO Report.
- 5.2 The next key piece of work will be a response to the consultation, with a response required from the Board (as the Scheme Manager). Board Officials will keep the Committee apprised in this respect with a view to seeking Members' views on the consultation and the end objective of drafting a response to the consultation.

**POLICE ADMINISTRATION DIRECTORATE
DECEMBER 2021**

FOI 96/2024 Section 36 Exemption “Effective Conduct of Public Affairs”

Public Interest Test

The above exemption is a qualified exemption, and a Public Interest Test must be carried out to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Information requested by the applicant

- 1) A copy of the paper that was presented to the Resources Committee by The Director Of Police Injury Benefits on the 16 December 2021. As referred to at 6.6 of the minutes of the meeting.
- 2) Could I please be provided with a copy of the Consultation document as referred to in the minutes.
- 3) Any other documents generated by this consultation to include but not limited to the document that contains the views of the Resources Committee as referenced in the penultimate paragraph of the minutes.

Arguments in favour of disclosure of the requested information

1. Disclosure of the requested information would be in line with the spirit and requirements of the Freedom of Information legislation in asking public bodies to be open and transparent and would help promote accountability.
2. Work undertaken by the Board in respect of the Injury on Duty Award process generally and specifically in relation to the Northern Ireland Audit Office report has generated considerable debate amongst, and communication from, interested parties and, therefore, it could be argued that there is a public interest in releasing the requested information.

Arguments in favour of engaging the exemption and withholding the requested information

1. Withholding disclosure would safeguard openness in all communications internally between Board Officials, as well as with Board members as well as between the Board and relevant third parties. This will ensure a full and frank exchange of views and robust discussion, which in turn is fundamental to the administration of justice.
2. The issues arising from the Northern Ireland Audit Office report “*Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service*” are ‘live’ and are still being actively pursued by relevant third parties.
3. Release of the requested information at this time would adversely impact upon the current operation of the Board’s Police Pensions & Injury Benefits Branch. It is believed that full release of this information would generate an unsustainable increase in the volume of requests for information which would impact on the Board’s ability to focus on the review, and other business.

4. Release of the information at this time could hinder and restrict the ability of officials to have the necessary 'free thinking space' to fully consider the issues surrounding the *"Injury on duty schemes for officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service"* report.
5. Release of all information into the wider public arena at this time *could* lead to interested parties amongst the general public and amongst elected representatives to 'lobby' the Board on individual cases, which could also hinder the discussions currently on-going and lead to misrepresentation of issues.
6. The release of this information is of interest to the requestors and may be of interest to other individuals who have a direct involvement with the Injury on Duty process. However, this is not the same as being of interest to the public at large which is what releasing this information under the FOIA is intended to be.

Result

Considering all of the deliberations above, it is felt that the public interest in engaging the exemption to withhold the information outweighs the arguments towards disclosure.

As a result, the requested information should not be provided.