



Department of
Justice
An Roinn Dlí agus Cirt
Máinnystrie O tha Laa
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31 May 2024

REFERENCE: FOI\24\58

**FREEDOM OF INFORMATION REQUEST – PENSIONS DIRECTORATE AND THE
INDEPENDENT MEDICAL REFEREE**

Dear Sir,

Thank you for your request for information received by the Department of Justice on the
11 May 2024, detailed below: -

Request

During a recent judicial review your Director of Pensions was found to have acted unlawfully when she refused a banding given by an IMR (Band 4). In her evidence to the court, she stated that the process she carries out for the IMR and the SMP where the same.

Therefore, can you confirm the following:

- 1. How many times between 2019 - 2023 has the IMR been provided with a recommendation from NIPB Staff relating to the "Banding."*
- 2. How many times has the IMR given a banding to an applicant that has been changed as a result of input from the Director of pensions or any of the Northern Ireland Policing Board staff?*
- 3. If so, how is this recorded?*
- 4. How are the applicants informed of this change?*

5. *How are these documents stored?*
6. *Please provide the guide to this process that staff use (Not the flow chat published on your website) but the actual document that governs this process*
7. *Please provide the method by which the Doctor completed the report and delivery to the staff (email, internal system, word doc saved etc)*
8. *Please provide the method by which the Doctor receives the report back (email, internal system, word doc saved etc)*

This response addresses your questions:

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded

information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption.

Freedom of Information is a request for recorded data that the Department of Justice holds. To be helpful the response to your question has been supplemented with

additional information answered under Line of Business.

During a recent judicial review your Director of Pensions was found to have acted unlawfully when she refused a banding given by an IMR (Band 4). In her evidence to the court she stated that the process she carries out for the IMR and the SMP where the same. How many times between 2019 - 2023 has the IMR been provided with a recommendation from NIPB Staff relating to the "Banding."

[This is answered under Line of Business](#)
~~Therefore can you confirm the following.~~

The Injury on Duty (IOD) appeal process is independent of the Northern Ireland Policing Board (the Board). The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefits) Regulations 2006 (the Regulations) [refer](#). The Independent Medical Referee (IMR) is independent, and as such, their decision is final as per Regulation 30(3).

Board staff DO NOT provide recommendations to the Department's IMR in the IOD appeal process as to "Banding" or any other issue.

The Judicial Review [reference](#) does not infer in any instance of an IMR being '... provided with a recommendation from NIPB Staff relating to the "Banding."

2. *How many times has the IMR given a banding to an applicant that has been changed as a result of input from the Director of pensions or any of the Northern Ireland Policing Board staff?*

[This is answered under Line of Business](#)

The IOD appeal process is independent of the Board as per the Regulations 30(3).

The IMR is independent of the Board and Board's Director of Pensions. The Board's Director of Pensions has NO interaction / relationship with the Department's IMR in their decision-making process concerning IOD appeals.

3. *If so, how is this recorded?*

[This is answered under Line of Business](#)

As the Board's Director of Pensions has no interaction with the IMR decision making process there is no requirement for a record of this type.

4. *How are the applicants informed of this change?*

[This is answered under Line of Business](#)

Not applicable. The Board's Director of Pensions has no interaction with the IMR decision making process for the IOD appeal process.

5. *How are these documents stored?*

All documents relating to the IOD appeal process are either stored physically in appropriately secured cabinetry or electronically within a secured application / network. However, the Department are in the process of moving all documents concerning IOD appeals to full electronic storage.

6. *Please provide the guide to this process that staff use (Not the flow chat published on your website) but the actual document that governs this process*

The Board and Department follow the current guidance document which is attached for your information, and you can refer to the Board's [Frequently Asked Questions document](#) which is available on their website.

7. *Please provide the method by which the Doctor completed the report and delivery to the staff (email, internal system, word doc saved etc)*

[This is answered under Line of Business](#)

The IMR completes his report on a secured encrypted laptop. The IMR emails his report to the appropriate Department officials and those officials forward said report to the Board via E-mail on the closed NICS network.

8. *Please provide the method by which the Doctor receives the report back (email, internal system, word doc saved etc)*

[This is answered under Line of Business](#)

The IMR does not receive a report back. Once his decision has been made, the paperwork is forwarded to the Board, this terminates the work of the IMR.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review, please do so in writing stating the reasons to the address above.

If following an internal review, you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate

whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Records & Information Manager