



Department of
Justice
An Roinn Dlí agus Cirt
Mánnystrie O tha Laa
www.justice-ni.gov.uk

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REFERENCE: FOI\24\65

**FREEDOM OF INFORMATION REQUEST - INDEPENDENT MEDICAL REFEREES
AND THE APPEAL PROCESS**

Dear Sir,

Thank you for your request for information received by the Department of Justice on the 28 May 2024, detailed below: -

Request

'I noted in a recent policing board meeting that the minister for justice had made changes to the Independent Medical Referee process with "Immediate effect."

Those minutes are from the meeting held on 11/04/2024 at the comments are located at the bottom of page 7 and the start of page 8.

Please provide the documentation that details these changes and provide the documentation that has been/will be provided to the officers already in this process.'

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

This response addresses your request:

I have not provided the documentation that you have requested detailing the Department's draft administrative suggestions to current IOD procedures as these have not been finalised and remain under consideration.

Therefore, the information you have requested is covered by the following section of the Freedom of Information Act 2000: -

- section 35 (1)(a) (formulation of Government Policy)

Qualified Exemptions

The exemption provisions of section 35(1)(a) confers a qualified exemption to our duty under section 1(1)(b) of the Act – to not release the information requested. Information covered by qualified exemptions can only be withheld where the public interest falls in favour of applying the exemptions.

We have provided details of our Public Interest Test considerations in **Annex A** to this letter.

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

35(1)(a) (Formulation of government policy)

In favour of release:

- Disclosure prior to a decision being taken will lead to more informed public debate.
- It will inform the public how policy decisions are reached, what options are being considered, why some are excluded, and others preferred.
- Avoids the public view that their opinion does not count, and that the decision was a foregone conclusion.
- May expose wrongdoing.
- Where there is a large amount of public expenditure or deviation from routine practices, there will be a strong public interest in disclosure.

In favour of non-disclosure:

- Affords the Board time to undertake an in-depth consideration of the proposals, therefore allowing time for the policy making process.
- It allows the Board and DoJ to preserve a 'safe space' to debate live policy issues away from external interference and distraction.
- The prospect of release may put policy makers in the position of having to explain everything that has been raised during deliberation.
- Disclosure could allow targeted lobbying by certain groups that could inhibit objective decisions being made.
- Disclosure could compromise future consultation and thwart the exchange of ideas.
- Releasing information relating to the development of some policies is likely to prejudice such development and subsequent implementation.

Conclusion

We are satisfied that **section 35(1)(a) (Formulation of government policy)**

exemption applies. Although the proposed policies will involve changes which could have a significant effect on all stakeholders, the disclosure of the information may have an adverse effect on the policy makers in that they would be less likely to provide full and frank advice or opinions on policy proposals. For that reason, it is our view that the public interest in protecting the policy making activities outweighs the public interest in releasing the information.