

M Fenton
Via email (<mailto:request-644753-778908ee@whatdotheyknow.com>)

Date: 23 March 2021

Dear M Fenton

Subject: Freedom of Information Request 04/2020 Internal Review

The Board wishes to apologise for the timescale taken to complete this internal review. As you are aware the Board has had to review its business operations due to the current Covid 19 pandemic and this has resulted in administrative delays.

Introduction

You contacted the Policing Board by e-mail on 2 March 2020 asking for an Internal Review of the Board's response to your Freedom of Information Act (FOIA) request reference number 04/2020.

Background

On 10 February 2020 you submitted an FOI request seeking the following information -

- Can the Policing Board give a breakdown of the total figure spent on legal advice and representation in the last 2 years, accompanied by a list of firms that were used by the board?

On the 28 February 2020, the Director of Partnership as the Decision Maker responded to you.

Internal Review









In support of your request for an internal review you made the following submission:

Crown Solicitors Office is an unacceptable umbrella term for a number of individuals and law firms making considerable sums of money from the taxpayer.

The identity of these individuals and firms is in the public domain and NIPB cannot sustain keeping them confidential.

Northern Ireland Policing Board

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An internal review panel met on 23 February 2021. The panel consisted of the:

- Chief Executive of the NI Policing Board; and the
- Director of Partnership (who is new to the position and not the original decision maker).

Review Panel Determination

The Review Panel:

- Did not uphold your objection to the contents of the Decision Maker's response to you.

The panel asked that the following information be shared as a means of providing some context around how the NI Policing Board procures legal advice –

By way of clarification, when the Board engage Counsel via Crown Solicitor's Office it is through the Government Legal Services for Northern Ireland civil panels.

The Government Legal Service for Northern Ireland (GLSNI) maintains civil panels to which independent barristers compete for appointment. GLSNI refresh the panels every 3 to 5 years. Appointment to the civil panel is on merit through a competency based application process. Competition for admission to the panels is fierce and the civil panels therefore comprise barristers of a high calibre. The way the panels work is that barristers apply for panels depending on their year of call and experience. They commit to an hourly rate and the hourly rate differs, depending on the panel. The arrangements are as follows:-

Senior Panel - £180 per hour

A Panel (Senior/Junior Counsel with at least 10 years' advocacy experience) - £110 per hour

B Panel (Junior Counsel who have been 5 and 10 years' advocacy experience) - £90 per hour

C Panel (Junior Counsel who have between 2 and 5 years' advocacy experience) - £60 per hour

D Panel (Junior Counsel who are within 2 years of pupillage and less than 2 years' experience in actual practice) - £30 per hour

The use of panel Counsel who have competed for appointment in a merit based process together with the use of hourly rates meet the accountability and value for money principles of Government audit and accounting. Within all the panels, (save D panel) are Counsel who have been develop vetted.

The Board would submit that from an accountability perspective the use of panel counsel appointed on merit and on an hourly rate provides the Board with value for money and accountability that the Board inevitably expect.

- Approved the release of a response advising you of the outcome of the internal review.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Yours sincerely

A handwritten signature in black ink, reading "Lorraine Calvert". The signature is fluid and cursive, with the first name "Lorraine" and the last name "Calvert" clearly distinguishable.

Lorraine Calvert
Communications Manager