

Legal & Governance Services



**Northern Ireland
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Our Ref: Fol 17-18

Mr Aidan Quinn
request-469104-600e17a0@whatdotheyknow.com

16 March 2018

Dear Mr Quinn

FREEDOM OF INFORMATION ACT 2000

I am writing in regard to your request for information, which I received on 6 March 2018 and which you provided clarification of on 15 March 2018. In that request, you asked for the following information:

“Anyone who has ever had dealings with NICS is only too aware of Not an Inch thinking, of mountains of unconsidered paperwork, and of a Noted and Filed underclass who consequently suffer appalling health problems.

Is there are any record, that could be shown to the Scottish Government, or to Investor Ethics Committees, of the Assembly ever debating these things, ever giving HOCS some kind of mandate?”

Clarification of your request was sought on 15 March 2018 as follows:

“I would like to know what particular items of debate you are referring to”.

Your response was received on 15 March 2018 and stated the following:

“The thing is that very few indeed, certainly in the international psychiatric, business and financial communities are aware of the legal status of perpetual Note and File Only Orders or of their interaction with Equality Legislation, Human Rights legislation, Health and Safety legislation etc etc..

No one wants to unfairly criticise traditional, fully unanimously endorsed, NICS policy but, in this day and age, there are enormous numbers of questions to be answered about the continued use of what seem like unsafe, cruel and

unusual, positively dangerous, punishments not just in developed societies but anywhere in the world.

Basically then, a mandate is an extremely broad term encompassing, inter alia, instructions, directives, directions, decrees, commands, orders injunctions, edicts, charges, commissions biddings, warrants, rulings, ordinances, laws, statutes and fiats.

Basically did the Assembly ever debate the use of time unlimited Note and File Only Orders? Can we have copies, including of the voting record?

Did the Equality Commission or the Human Rights Commission authorise, approve or sanction the use of such Orders? How often was the authorisation of these bodies reviewed?

Does covering legislation require Victim Impact Assessments, Risk Assessments, or Equality Impact Assessments?

Was DOJ content, and was the Department of Health content that all was in order? How about NIO?

Is all relevant documentation in place, regularly reviewed and up to date?

Further fundamental queries may follow. People just want to get a handle on the legal authority and basis of what has been going on in NICS to leave the place in such terrible mental health, and to know who authorised or mandated the policies and actions in question?

I will be unable to proceed with the following question without clarification of the information you wish to receive.

“Is all relevant documentation in place, regularly reviewed and up to date?”

To help us do so, please clarify what documentation you are referring to.

I will address the remainder of your questions individually. The first question asks for the following information:

Basically did the Assembly ever debate the use of time unlimited Note and File Only Orders? Can we have copies, including of the voting record?

I refer you to the Official Report of the Northern Ireland Assembly, also known as Hansard, which is the authoritative record of the proceedings of the Assembly. The Official Report is a substantially verbatim transcript of the proceedings; it reports what was said as well as what was decided. Please find a [link](#) to this information and the [plenary search](#) on the NI Assembly website. Under the legislation the Northern Ireland Assembly is not required to provide information that is already available in a form accessible by the public.

The second question asked for the following information:

Did the Equality Commission or the Human Rights Commission authorise, approve or sanction the use of such Orders? How often was the authorisation of these bodies reviewed?

You may wish to contact the [Equality Commission](#) or the [Human Rights Commission](#) regarding the particular orders you are referring to. Contact details are available in the links provided.

The third question asks for the following information:

Does covering legislation require Victim Impact Assessments, Risk Assessments, or Equality Impact Assessments?

Please find a [link](#) to information regarding legislation which is available on the NI Assembly Commission's website.

The fourth question asks for the following information:

Was DOJ content, and was the Department of Health content that all was in order? How about NIO?

You may wish to contact the Department of Justice and the Department of Health for this information in relation to the particular orders you are referring to. Please find contact details in the [link](#) provided.

Please provide clarification of your information requirements by 18 June 2018, which is three months from the date of this letter, otherwise I will consider this part of your request as closed.

If you wish to discuss any of the above, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Martina Dalton

MARTINA DALTON
Information Standards Officer