

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 14th April 2021

Your ref: FOI

Our ref: FOI 2021 / 263

Reply contact name is: Nick Penny

Dear XXXXX,

I write in connection with your request for information dated 23rd March 2021 concerning Whistleblowing.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested in full.

You wrote (and Our Response) :

1. How many reports did you receive from whistleblowers in 2019 and in 2020?

None

2. How many people do you have in your organisation that are trained/permitted to take reports from whistleblowers?

I can confirm that there are a number of individuals within the Force that are authorised to handle such reports, however, I am not able to confirm the exact number as it is exempt under Section 31 of The Act (Law Enforcement) – please refer to the note below.

3. What training have the people in question number 2 received in whistleblowing?

None specifically. All have knowledge of the appropriate legislation in relation to handling reports and protecting a source as a whistleblower.



INVESTOR IN PEOPLE

4. What cost, if any, was there for this training?

Not applicable

5. Which organisation delivered each course?

Not applicable

6. What is the name of the person that arranged this training and what is their email address?

Not applicable

7. What methods do you have for whistleblowers to contact a person that is authorised to take their report and what are the specific details of these, i.e., email addresses, telephone numbers etc?

There are various options open to a Whistleblower – they can make a report internally directly to a member of the Counter Corruption / Professional Standards Team or they have the Option of making a report via an External Portal System which is provided by a 3rd party supplier to which Wiltshire Police have Administration rights for.

With regard to specific contact details / E mail addresses and phone numbers etc, this information is exempt under Section 40 of The Act (Personal Information) - please refer to the note below.

8. What are the email addresses for the people authorised to receive whistleblower reports?

Again, this information is exempt under Section 40 of The Act (Personal Information) – please refer to the note below.

9. How many whistleblowers have left the organisation within 12 months of making a report?

None within the time periods stated in Q1

10. How many whistleblowers have made an allegation of 'detriment' against your organisation?

None within the time periods stated in Q1

Please Note :-

Whilst Wiltshire Police can confirm that the information that you have requested in Questions 7 and 8 relating to contact details (E mail addresses, phone numbers etc) is indeed held, but it is exempt by virtue of the following exemption:

Section 40(2) – Personal Information

Section 40 is an absolute exemption and there is no requirement for Wiltshire Police to articulate the harm or examine the public interest in disclosure. Information that constitutes personal data is exempt under section 40(2) of the Freedom of Information Act if it is about a third party and disclosure to the public would contravene the data protection principles set out in Schedule 1 of the Data Protection Act 1998. In this circumstance however :-

- If we disclose specific details of the contact details of members of the Counter Corruption Unit or the Organisation that provides our External Reporting System, this could make any of them vulnerable due to the fact that it would be desirable to hostiles to be able to corrupt or extort a member of either the CCU or that particular Organisation, which would then give the opportunity to obtain extremely sensitive/damaging information regarding the Force, including PCC and members of the Senior Officer Team.

Whilst Wiltshire Police can confirm that the information that you have requested in Question 1 relating to the number of people within our organisation that are authorised to handle reports from whistleblowers is held, disclosure of the specific number is exempt by virtue of the following exemption:

Section 31 – Law Enforcement

Section 31 is a prejudice-based; qualified exemption and therefore requires us to articulate the likely harm that would follow disclosure, and the public interest considerations for and against disclosure.

Overall Harm

Wiltshire Police have a duty to prevent and detect crime, and to bring to justice those offenders that break the laws of this country. Similarly any reports received from Whistleblowers into Police malpractice etc need to be investigated thoroughly.

Disclosing the number of specific members of staff in our Counter Corruption Unit that are authorised to handle reports from Whistleblowers would reveal our operational capacity in that area and also compromise our ability to handle those reports effectively.

By providing this information, Wiltshire Police could potentially harm our investigative capabilities in this area.

This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Factors favouring Disclosure – Section 31

Disclosure of the number of staff in our Counter Corruption Unit that are authorised to handle reports from Whistleblowers would promote the transparency of Wiltshire Police and inform the public as to how seriously Wiltshire Police take reports of misconduct or abuse of process submitted by Whistleblowers.

There is a legitimate public interest in knowing that Wiltshire Police's financial resources are used appropriately and that value for money is achieved. Disclosure would also provide an insight into policing and encourage public debate and awareness.

Factors against Disclosure - Section 31

Disclosure of the number of individuals within our Counter Corruption Unit that are authorised to handle reports from Whistleblowers would reveal our operational capacity in that area and also compromise our ability to handle those reports effectively.

By providing this information, Wiltshire Police could potentially harm our investigative capabilities in this area.

If people that were intent on causing damage and disruption to Wiltshire Police were in possession of this information, it could then provide those individuals with a guide to the number of spurious or false complaints of malpractice they would need to submit via the Whistleblowing process in order to cause hinderance to that very process.

Similarly, if individuals were intent on using extortion to corrupt a member of the Counter Corruption Unit revealing the number of individuals authorised to handle these reports would be beneficial and helpful to hostiles intent on that purpose.

It is not in the public interest to assist potential offenders or hostiles in this way and it could – arguably - leave victims of reported malpractice at both a disadvantage (not having their reports handled appropriately and efficiently) and arguably more vulnerable if issues are current and ongoing.

Balance Test

In summary, the public interest lies in favour of not disclosing the information, for the reasons already articulated, that Wiltshire Police will not disclose information where it is believed that to do so would assist potential offenders and therefore harm our ability to both prevent & detect crime and investigate any reports from Whistleblowers as effectively as possible.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information requested are :

Section 31 – Law Enforcement

Section 40(2) – Personal Information

In accordance with section 17 of the Act, this letter represents a Refusal Notice for these particular parts of your request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk