



Force Disclosure Unit
Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005
www.wiltshire.police.uk
disclosure@wiltshire.pnn.police.uk

XXXXXX - by E mail

Date: 13th May 2021

Your ref: FOI

Our ref: FOI 2021 / 426

Reply contact name is: Nick Penny

Dear Sir or Madam,

I write in connection with your request for information dated 10th May 2021 concerning Misconduct and Special Case Hearings.

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 – having consulted our Professional Standards Manager - I am now able to respond as follows.

You wrote (And Our Response) :

Between the 1st Jan 2018 and 10th May 2021 how many misconduct and Special Case Hearings has your force held in total ? please break down by calendar year and month.

None

Between the 1st Jan 2018 and 10th May 2021 how many misconduct hearings has your force held in private which could have been held in public but a decision had been taken by the LQC that it would be held in private ?

One – in 2020

How many times between the above 2 dates have you invited representations from media and other interested parties before deciding that a hearing should be held in private and what form has that invitation taken? eg email, letter or public notification ? Please provide details of all media outlets that have been advised and how many times the IOPC have been invited to make representations, as to whether a hearing, should be held in private



INVESTOR IN PEOPLE

We invite the public and media to all hearings by advertising on the Force Website. As a result of this, media representation has been present in all Misconduct Hearings with the exception of one held in private.

In relation to the IOPC, we have not needed to have that conversation as the IOPC Independent matters, or those referred to the IOPC but returned for a local investigation have all been heard in a public hearing.

In the interest of openness and transparency, we strive to hold all Hearings in public. During Covid, we have managed this via Live Link systems or reduced numbers in person.

Your attention is drawn to section 11.80 pages 134 of the Home Office Guidance Conduct, Efficiency and Effectiveness:

Statutory Guidance on Professional Standards, Performance and Integrity in Policing:

Which states

11.80 At the pre-hearing, the chair will have discussed with participants the reporting restrictions or exclusions from the hearing proposed by the appropriate authority or the officer concerned. This will not be a final determination but an initial position from which, following public notification, the chair will be able to take representations (see Regulation 36(3) and (5) of the Conduct Regulations) from: a) the officer concerned, b) the appropriate authority, c) the complainant, d) any interested person, e) witnesses, f) the Director-General, g) representatives of the media

Guidance

Your attention is drawn to page 131-132 of the Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing Version 1 published on February 5th 2020

I am seeking to find out the numerical difference between the number of public misconduct hearings that had been scheduled and the number that had been held in private during a 3 year period eg 10 public misconduct hearings have been scheduled but it had been decided that 4 of those were to be held in private ?

Cases listed by year for Police Officers who have been presented to a Misconduct Hearing :-

2018 – November (Dismissal) (Fast Track Case) Held in Public

2019 – September (Final Written Warning) Held in Public

2020 – February (Dismissed) Held in Private

2020 - May (Final Written Warning) Held in Public

2020 – November (Final Written Warning) Held in Public

2020 – December (Dismissal) Held in Public

2020 – October (Final Written Warning) Held in Public

2021 – March (Final Written Warning) Held in Public

2021 – March (Dismissal) Held in Public

Total 9 (8 held in public, 1 in private)

Forthcoming Hearings :-

2021 – May – Being held in Public

2021 – June – Being held in Public

I further seek information on the number of times that the media and the IOPC has been advised in advance of pre-hearing to decide if a public misconduct hearing should be held in private and have been invited to make representations before that decision was made ?

In relation to the IOPC, we have not needed to have that conversation as the IOPC Independent matters, or those referred to the IOPC but returned for a local investigation have all been heard in a public hearing.

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 Fol 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