

**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

XXXXXXXX

By email

Date: 6th January 2021

Our ref: FOI 2021/1013

Reply contact name is: Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated 6th December 2021 concerning officers dismissed and then reinstated.

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.

Following receipt of your request, research was conducted by the People Services Centre at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

How many officers have been dismissed from the force in the last 4 years 11 months (1st Jan 2017 - 1st December 2021, but have then gone on to be reinstated after a successful appeal of their dismissal, also can you give details of what the original dismissal in all cases was for. Can you provide the figures for each year in a separate tabulation? The information is only required for police officers and special constables.

Our response:

Under the Freedom of Information Act 2000 (FOIA), this request is exempt by virtue of the following exemptions:

Section 21 - Information accessible to applicant by other means

Section 40(2) - Personal data

Section 21 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

The following link will direct you to the published items page on the Wiltshire Police website - <https://www.wiltshire.police.uk/foi-ai/af/accessing-information/published-items/?q=&dt=Misconduct+outcome>.



Please note:-

- Wiltshire Police Force policy is to publish the outcomes of misconduct hearings for a total of 12 months. For the first 3 months, the name of the individual concerned is kept within the post detailing the outcome. Following this period, the posts are sanitised and remain on the website for a further 9 months before they are removed.

Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

Information which constitutes personal data is exempt under Section 40(2) of the FOIA if it relates to a third party, and the disclosure to the public would contravene the data protection principles set out in Section 34 of the Data Protection Act 2018 and Article 5 of the GDPR. In this circumstance:-

- Providing the names of those individuals involved in misconduct hearings prior to 12 months is providing information relating to third party individuals; and thus would be exempt by virtue of Section 40 (Personal Data). To avoid the potential identification of these individuals, where numbers may be particularly low, the data has been provided as an overall figure.

To note, where an individual is requesting third party personal data, Wiltshire Police must ensure that any action taken adheres to the principles of the DPA 2018 and the GDPR. To clarify, the FOIA only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under Section 34 of the DPA 2018 and under Article 5 of the GDPR.

In the period 1st January 2017 to 1st December 2021, there were a total of 8 Police Officers or Special Constables dismissed from the Force. None of these individuals have been reinstated. The reason for dismissal cannot be provided, apart from one individual who had their contract terminated following no contact after their career break.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide 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.

Exemptions applied:

Section 21 – Information accessible to the applicant by other means

Section 40(2) – Personal Information

In accordance with Section 17 of the Act, this letter acts as a Refusal Notice for this particular 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,

Abigail Standidge
Force 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.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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>