



Scott Hesketh –
Via email

Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

www.wiltshire.police.uk

disclosure@wiltshire.police.uk

Date: 20/12/2021

Our ref: FOI 2021/979

Reply contact name is: Eleanor Gilmore

Dear Scott,

I write in connection with your request for information dated 23/11/2021 concerning Section 72 of the sexual offences act 2003.

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 able to respond as follows.

You wrote:

1. In each of the calendar years 2019, 2020, 2021 (to date) how many investigations has your force carried out into offences committed abroad under Section 72 of the Sexual Offences Act 2003?
 - a. As per question one, in what country did the offence take place?
2. As per question one, how many investigations has your force referred to the Crown Prosecution Service?
 - a. As per question two, in what country did the offence take place?
3. How many convictions has your force secured for offences committed abroad under Section 72 of the Sexual Offences Act 2003?
 - a. As per question three, in what country did the offence take place?
4. Does your force have written guidance regarding the use of Section 72?
A As per question four please send me a copy of this written guidance.



5. During the calendar years 2019, 2020 and 2021 to date, has your force held any training sessions for officers and staff regarding the use of section 72?

A, As per question 5, please supply an outline of any training sessions provided including the number of officers and staff who received this training.

Response

Questions 1-3:

The type of information you require is not stored in a way which allows for easy retrieval. When recording a crime, Wiltshire Police do not have a specific field in which to indicate whether an offence of this nature has occurred abroad. We would need to manually peruse all relevant crime reports within the timeframe given. Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would advise you of a way to refine your request to a more manageable level. However, due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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 exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

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

Question 4:

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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 exemption applicable to the information requested is:

Section 21: Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

Whilst under s1(1)a of the Act 2000 Wiltshire Police can confirm that they hold the requested information, it is exempt by virtue of s21 (Information easily Accessible Elsewhere).

The Home Office has already published guidance on Part 2 of the Sexual Offences Act 2003, which incorporates s72 SOA 2003. As such, s21 will apply - please see the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755142/11.18guidanceonpart2ofthesexualoffencesact2003.pdf

Question 5:

We do not run specific sessions on Section 72 of the sexual offences act 2003 as a stand-alone topic for officers, however detectives would cover this topic in their foundation courses in the sexual offences curriculum.

Furthermore all investigators have access to the PVH (police Visual Handbook) and PNLD (Police National Learning Database) – online resources that give guidance on all legislation and practical guidance toolkits.

Wiltshire police do, however have plans to have some training in the future though there are no other details available to me at this time.

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

Eleanor Gilmore

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