

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 14th February 2022

Your ref: FOI

Our ref: FOI 2022 / 097

Reply contact name is:

Dear ****,

I write in connection with your request for information dated 31st January 2022 concerning our Complaints and appeals procedure referencing fixed penalty notices for traffic offences.

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 Department and our Roads Policing Unit I am now able to respond as follows.

You wrote:

Please could you tell me about your complaints and appeals procedure reference fixed penalty notices for traffic offences.

1. Can a person issued a FPN appeal the FPN based on their opinion that the Officer could have issued a warning instead?
2. If a member of the public issued a FPN complained that he felt an Officer should have given a warning rather than a FPN, would the Officer then be subject to a misconduct investigation?

Our response:

1. Can a person issued a FPN appeal the FPN based on their opinion that the Officer could have issued a warning instead?

We do have guidance from NPCC around when to issue FPN/ TOR for issues such as speeding. Generally, this is 10% plus 2 so if someone is speeding in a 30 MPH limit we do not give a ticket until 10% - 3 MPH and another 2 MPH making 35MPH. So, the point at which we start taking action is 36MPH. This would likely attract a ticket. Any speed over the posted limit that didn't reach this threshold would be liable for a warning. If the speed were well above the threshold we would probably look to prosecute and summons the driver.



However please note that each incident would be down to the discretion of the officer who is dealing with that particular incident.

2. If a member of the public issued a FPN complained that he felt an Officer should have given a warning rather than a FPN, would the Officer then be subject to a misconduct investigation?

Police forces should deal with complaints in a reasonable and proportionate way, and this means doing what is appropriate in the circumstances. Some complaints are dealt with via explanation or apology, or other information to assure you that appropriate action is being taken however for other complaints we may carry out a misconduct investigation. To determine how a complaint is dealt with we would take into account the facts and the context in which the complaint has been raised, within the framework of legislation and guidance. In short, there is no definitive way of saying that an officer would or would not be subject to a misconduct investigation it would really depend upon the circumstances of that particular complaint.

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,

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