

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 22nd June 2022

Your ref: FOI

Our ref: FOI 2022 / 459

Dear ***,

I write in connection with your request for information dated 26th May 2022 concerning Misconduct Allegations.

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.

You wrote

Please can you provide me with the following information on misconduct allegations within your force? I have laid it out in a table below for clarity but please feel free to provide the data in another format if needed. If the categories asked here are not recorded in exactly the same categories as requested here, please supply the information from your closest equivalent data categorisations. Thanks so much.

Our response:

The information that you are requesting for the years 2017 through to 2020 is not stored in a way which permits easy retrieval. Unfortunately, Wiltshire Police do not have a search facility available on our database to distinguish whether a matter went to a hearing/misconduct meeting. As a result, we would be required to manually look into every file to see if it did. For complaints alone between 2017 to 2022 there are on average 1000 per year. We have however since 2021 been keeping a separate record of gross misconduct hearings, due to the regular Freedom of Information Requests, therefore a response has been provided below in relation to gross misconduct only.

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.



INVESTOR IN PEOPLE

Although excess cost removes the forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below :-

Please note that the data supplied below for the final 2 rows which concern **Whistleblowing** has been provided by our Counter Corruption Unit, they are able to retrieve data from 2017 through to date. Whereas the rest of the request has been answered by our Professional Standards Department and as explained above, they can only obtain data from 2021 to date.

2021 – 2022 gross misconduct only.

Please supply all data on police misconduct and gross misconduct hearings in your police force since <u>January 2017</u> , as follows:	All	Cases where the officer accused was B.A.M.E. (or other categories of ethnicity if the data is stored differently)	Cases where the officer accused was female (or whichever sex or gender data categories are available)	Cases where the officer accused was B.A.M.E and female (or whichever ethnicity or sex and gender data is available)
Gross Misconduct Total gross misconduct hearings since January 2017	2021 – 6 hearings 2022 – 2 hearings (to date)	1	0	0
Of those gross misconduct hearings, the total number heard in private since Jan 2017	0	0	0	0
Reasons given in each of those gross misconduct hearings heard in private since Jan 2017 *please provide separately in each case	n/a	n/a	n/a	n/a
Total of those gross misconduct hearings since Jan 2017 that were publicly accessible *please advise on how these are advertised	All	1	0	0
Total of those gross misconduct hearings since Jan 2017 which found against the officers	All	1	0	0

Please supply all data on police misconduct and gross misconduct hearings in your police force since <u>January 2017</u>, as follows:	All	Cases where the officer accused was B.A.M.E. (or other categories of ethnicity if the data is stored differently)	Cases where the officer accused was female (or whichever sex or gender data categories are available)	Cases where the officer accused was B.A.M.E and female (or whichever ethnicity or sex and gender data is available)
Total of those gross misconduct hearings since Jan 2017 which resulted in the officer being added to the publicly barred list	5	0	0	0
Total gross misconduct cases since Jan 2017 which found against officers in which the details of the case were made publicly available (just the nature of the misconduct)	All	1	0	0
Total gross misconduct cases since Jan 2017 which found against officers where the name of the officer was made publicly available	All	1	0	0
<u>Whistleblowing</u> Total complaints made against officers via the internal whistleblowing line (for officers and police staff) since January 2017	193	1	51	0
Total complaints made against officers via the internal whistleblowing line relating to sexual harassment (for officers and police staff) since January 2017	3	3	3	0

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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 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.

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