

# WILTSHIRE POLICE



XXXXXXX  
By email

**Force Disclosure Unit  
Police Headquarters**  
London Road  
DEVIZES  
Wiltshire  
SN10 2DN

**Date** 11<sup>th</sup> November 2022

**Our Ref** FOI 2022/725

Dear XXXXX,

I write in connection with your request for information dated 13<sup>th</sup> September 2022, concerning NPCC requested Force review into the handling of domestic abuse, exposure, Violence Against Women and Girls (VAWG) related allegations. Please accept my apologies for the delay in providing a response to your request for information.

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 Professional Standards Department at Wiltshire Police.

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

**You wrote:**

In October 2021 the NPCC asked police forces to conduct reviews into handling of reports of domestic abuse / exposure / other VAWG related allegations involving police officers and staff.

At the time NPCC Chair Martin Hewitt said: "We've commissioned a review of all of the incidents that relate to violence against women and girls, and issues around indecent exposure... any of those incidents by serving police officers and staff."

It was said the work was to be coordinated by the NPCC - but that police forces would conduct the individual reviews internally.

**Please disclose to me, under the Freedom of Information Act, any findings / data / reports / reviews by your police force in response to this request from the NPCC.**

I appreciate that if names of any complainants (or details that would lead to them being identified) are included - they will need to be redacted. However, I would ask that information submitted to the NPCC is not summarized / abridged etc for the purposes of responding to this request.

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The information I request might simply be a document/report that was submitted to the NPCC. However, if a limited and / or random sample of cases was submitted to the NPCC - I would ask that the full set of results / data / cases is disclosed (IF this is in a format that can be identified and retrieved within the time limit).

### **Our response:**

I have considered your request and I am able to provide a partial response. Some of the information relevant to this request is exempt by virtue of Section 31(1)(g) by virtue of (2)(b) - Law Enforcement and Section 40(2) - Personal Data.

- ❖ Section 31 is a qualified prejudice-based exemption and therefore requires Wiltshire Police to establish the harm in disclosure, along with the public interest favouring and against disclosure.
- ❖ Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

Please see attached spreadsheet, which shows all cases recorded on our system that relate to VAWG for the period requested by the NPCC.

### **Caveats**

The spreadsheets sent to me by our Professional Standards Department have been collated into one main spreadsheet for ease. There were 5 spreadsheets sent to me in total, and the information from each has been added onto its own individual tab (i.e. spreadsheet 1, 2 etc). The only exception to this is spreadsheet 5, as all the information contained within this spreadsheet is noted in the other spreadsheets, and therefore has not been included so not to duplicate information. The remaining 4 spreadsheets are not in any specific order other than noting them as they were attached in the email (i.e. spreadsheet 1 was the first attachment etc).

#### Spreadsheet 1

The total number of 'type descriptions' does not equal the total number of cases recorded. A single case reference, which have all been redacted from the disclosure, may involve multiple 'type descriptions' and therefore the total number of cases recorded may be lower.

#### Spreadsheets 3 and 4

Spreadsheet 3 and spreadsheet 4 contained near identical information. However, spreadsheet 4 was run most recently, and therefore contains the most recent updates for any duplicated complaints across both spreadsheets. I have removed the duplicate complaints noted on spreadsheet 3, as the information was outdated, and left the most up-to-date complaint details on spreadsheet 4. There were 3 additional entries on spreadsheet 3 that were recorded after the time period requested for spreadsheet 4, and have therefore been left on spreadsheet 3.

### **Section 31**

#### Harm test

Our Professional Standards Department conduct investigations into complaints made about officers, staff or the organisation. To disclose information into the public domain relating to ongoing complaints would likely hinder these investigations, and prejudice this process and any decisions that are to be made. This could also affect any future complaint investigations, and may impact the public in relation to them reporting offences to the Force. This would in turn prejudice our ability to prevent and detect crime, and apprehend and prosecute offenders; subsequently

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effecting the Force's ability to protect the community.

#### Factors favouring disclosure

Placing information into the public domain regarding misconduct allegations would lead to increased public awareness of this issue within Wiltshire Police. Disclosure would also ensure the Force can be held accountable for the actions taken, and show us as being as open and transparent with the public as possible.

#### Factors against disclosure

Placing information into the public domain regarding ongoing complaints would likely hinder the investigations that are being conducted, and in turn prejudice decisions which are yet to be made. This could also hinder and prejudice any future complaint investigations that will be conducted by the Professional Standards Department.

Additionally, if Wiltshire Police are seen to disclose information regarding ongoing investigations into the public domain, the public will lose confidence in the Force and our ability to handle sensitive information. This in turn may lead to a reduction in reporting of criminal offences to the Force, which would be detrimental to our policing purpose of preventing and detecting crime and apprehending and prosecuting offenders.

#### Balance test

Whilst there is a public interest in transparency and openness between the Force and the public, in addition to the public seeing how the Force are engaging with and handling these types of issues, there is a greater public interest in ensuring the public are protected and that the enforcement of the law is upheld. To disclose information which is likely to prejudice ongoing investigations would seriously undermine the effective delivery of our policing purpose - to prevent and detect crime, and apprehend and prosecute offenders - and is therefore exempt from disclosure.

### **Section 40**

Some details on the spreadsheets are exempt from disclosure as this would constitute personal data under Section 40(2) of the FOIA, as it relates to a third party individual, 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.

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.

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.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 31(1)(g) by virtue (2)(b) – Law Enforcement

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## Section 40(2) – Personal Data

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

Phone: 01722 547081

Email: [abigail.standidge@wiltshire.police.uk](mailto:abigail.standidge@wiltshire.police.uk)

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



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# 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](mailto: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](mailto: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/>**

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