

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 15th November 2022

Our Ref FOI 2022/894

Dear XXXXX,

I write in connection with your request for information dated 11th November 2022, concerning when a specific clause in the Police Reform Act 2002 was adopted by Wiltshire Police.

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 Force Policy Officer at Wiltshire Police.

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

You wrote:

When was this clause 'were adversely affected' (SEE BELOW QUOTE) adopted into your policies and procedures?

The criteria we follow is set out in legislation under the Police Reform Act 2002, as well as the statutory guidance from the Independent Office of Police Conduct. Following this guidance you do not fit the criteria under b. adversely affected. The guidance states that "A person will not be considered to have been adversely affected solely by virtue of having seen or heard about the conduct or its effects, (for example, in the news or being told about it by a third party) unless they:

were physically present or sufficiently nearby when the conduct took place, or the effects occurred, and saw or heard the conduct or its effects, or

were adversely affected due to the fact that they knew the person directly affected by the conduct before it happened.

Our response:

Wiltshire Police does not have a policy or procedure relating to the quote or that uses the clause Proud to serve and protect our communities

'were adversely affected', as we adhere to the IOPC statutory guidance.

Note from the Force Policy Officer

The criteria laid out in the clause derives from s12 Police Reform Act 2002. The quote itself comes from the [IOPC Statutory Guidance to the police service on the handling of complaints 2020](#) (issued under Section 22 to the Police Reform Act 2002). The IOPC guidance applies to local policing bodies and all 43 Home Office police forces in England and Wales (which includes Wiltshire Police). All police forces in England and Wales must have regard to the guidance and would need to have a sound rationale and justification for departing from that guidance.

The earliest reference to the clause 'were adversely affected' I can find is in the 2015 IPCC Statutory Guidance to the police service on the handling of complaints. There may be earlier references but the requestor would need to contact the IOPC to find out.

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

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



Proud to serve and protect our communities

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 Fol 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/>

Proud to serve and protect our communities