



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

Date: 10th January 2023

Ref: FOI 2022/944

Dear,

I write in connection with your request for information dated 28th November 2022 concerning the PSD department structure, disciplinary action taken as well as training materials and policies.

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 (original request):

1. The management structure of your professional standards department between 2010 - 2015.
2. What disciplinary action was taken, following the High Court judgement (Webster & Ors v Ridgeway Foundation School England and Wales High Court (Queen's Bench Division)) Feb 5, 2010

Where the judge found that the Inspector leading the case was wrong not to state the attack was racially motivated, and classified it as 'a schoolboy fight'.

2. What disciplinary action was taken following the tribunal finding in 2015 that a Black officer was discriminated against by Swindon police due to the colour of his skin.
3. What training materials and courses were available to Swindon police regarding the presentation of traumatised victims in 2014.
4. What training materials were available to Swindon police regarding women that presented as Rose West following an assault.

5. What expertise and evidence would be required to characterise a member of the public as presenting like Rose West

We received the following additional request from you on the 30th November 2022 which has been combined with your original request above:

Could you please also forward me the equality impact assessments for these policies.

Could I please also have all the policies in place in 2014 relating to investigating assaults, counter allegations of assaults and identifying the presence or not of alleged injuries, along with their equality impact assessments?

Clarification was sought and received from you on the 1st December 2022 with regards to the equality impact assessments you requested above, and you provided us with the following information and additional request for further information:

All of the below please that were used by your force in 2014.

1. Could I please have all equality impact assessment on policies that are relevant to the investigation of an assault and counter allegations of assault.

2. The policies and equality impact assessments on the recording of reports of injuries, particularly injuries on visible ethnic minorities.

3. The policies and relevant equality impact assessments on assessing the presentation of trauma of victims reporting assault, or making a counter allegation of assault, and where these policies and impact assessments reference CPS material which states victims can present in different ways.

4. The policy and equality impact assessments of the forces strategy to combat violence against women.

5. The policy and equality impact assessments for recognising coercive control and how victims react differently accounting to factors such as ethnicity, gender, age, life experience, the interviewing officer.

6. The policy and equality impact assessments for ensuring investigations are fair and balanced, and investigate evidence for and against a case, and that all evidence is put to the CPS before a charging decision.

I am no expert so if there are any other relevant policies concerning an investigation of assault and counter allegations could you please let me have them?

You sent a further email on the 4th December 2022 with the following additional request, which again, has been combined with your other requests above:

Could you please let me have the relevant policies, used by Wilts police, in 2014- 2015, which ensure they did not stereotype victims alleged perpetrators, and ensured that they practised an understanding of diversity when assessing demeanour evidence? I expect this will probably be in the paperwork you are already preparing- thank you in advance.

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Further clarification was also sought and received on the 23rd December 2022 with regards to question 2 of your original request, which was received with thanks.

Our response:

The information that you are requesting (namely question 3 from your original request) is not stored in a way which permits easy retrieval. This is because we would need to manually look through all training material that would have been provided in 2014 to see if any of this material contains specific reference to the "presentation of traumatised victims".

The following courses were available in 2014:

- *Joint investigation training, child and adult – Police and Social Services/other agencies – initial and refreshers.*
- *ABE (Achieving Best Evidence) – included (ABE) in criminal proceedings – reference to national guidance for vulnerable or intimidated witnesses, including children, along with guidance on using special measures.*
- *CPU (Child Protection Unit) – staff training.*
- *Investigating DV (Domestic Violence/abuse).*
- *Investigating SO (Sexual Offences).*
- *Investigating incidents involving VA (Vulnerable Adults).*

Training includes Brain Function and Effect on Victims of Trauma.

These courses above all mention victims in some capacity, but to find specific reference to them as you have requested above would require a physical perusal through all the training material for these courses, which would take a considerable amount of time for our Learning & Development (L&D) team to do. However, our L&D team did state that they can reassure that the presentation of traumatised victims was and is covered in line with the College of Policing curriculum and national standards.

Therefore, 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.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

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 –

4. What training materials were available to Swindon police regarding women that presented as Rose West following an assault.

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No information held – none of our current training refers to Rose West.

5. What expertise and evidence would be required to characterise a member of the public as presenting like Rose West

This part of your request is not a valid request for information under the Freedom of Information (FOI) Act. This is because it asks for us to provide an opinion as opposed to requesting for information we may hold and therefore, we are not obligated under the Act to furnish you with a response to this.

All of the below please that were used by your force in 2014.

1. Could I please have all equality impact assessment on policies that are relevant to the investigation of an assault and counter allegations of assault.

The only Equality Impact Assessment (EIA) relevant to the investigation of assaults and counter allegations our Force Policy Officer has been able to locate for 2014, is the Hate Crime EIA and the Harassment Procedure Impact Assessment which is contained within the Harassment Procedure.

2. The policies and equality impact assessments on the recording of reports of injuries, particularly injuries on visible ethnic minorities.

In 2014, the Harassment Procedure and Domestic Abuse Policy referred to the recording of injuries. However, our Force Policy Officer has been unable to locate any other relevant policy specifically referring to the recording of reports of injuries.

The Hate Crime Policy in use in 2014 did not refer specifically to the recording of injuries, however, the recording of any injuries would have formed part of the evidence of an assault.

There was no policy our Force Policy Officer is aware of that referred specifically to injuries on visible ethnic minorities.

As with question 1 above, the only Equality Impact Assessment relevant to this question that we have been able to locate for 2014, is the Hate Crime EIA. The Harassment Procedure incorporated an EIA as part of that document. We have been unable to locate any EIA for the Domestic Abuse Policy for 2014.

3. The policies and relevant equality impact assessments on assessing the presentation of trauma of victims reporting assault, or making a counter allegation of assault, and where these policies and impact assessments reference CPS material which states victims can present in different ways.

As per questions 1 and 2 above.

4. The policy and equality impact assessments of the forces strategy to combat violence against women.

Our Force Policy Officer has not seen any strategy specific to combating violence against women relevant to 2014. There may have been a national strategy as there is now, however, this is likely to be in relation to domestic abuse and/or sexual assault (such as the ACPO guidance on Investigating Domestic Abuse 2008 which is believed to have still been in use in 2014).

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The only Force policy relating specifically to violence against women are the ones referred to in the previous questions. We have not been able to locate any others that would have been in place in 2014.

5. The policy and equality impact assessments for recognising coercive control and how victims react differently accounting to factors such as ethnicity, gender, age, life experience, the interviewing officer.

The only policy our Force Policy Officer is aware of for 2014 that referred to coercive control was the Domestic Abuse Police and Procedure.

6. The policy and equality impact assessments for ensuring investigations are fair and balanced, and investigate evidence for and against a case, and that all evidence is put to the CPS before a charging decision.

There was no policy in 2014 that we are aware of that specifically refers to ensuring investigations are fair and balanced. All investigations should have been fair and balanced as matter of course. What evidence was to be put to the CPS before a charging decision in 2014 would have been in line with CPS policy at the time.

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 and in order to do so, I would suggest that you submit a separate request for the remaining questions. However, please note, that exemptions may still apply.

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,

Force Disclosure Decision Maker

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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

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.

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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