



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN
disclosure@wiltshire.police.uk

Date 31st January 2023

Our ref **FOI 2023/085**

Dear ***,

I write in connection with your request for information dated 17th January 2023 concerning Sexual assaults at mental health trusts/facilities.

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 Business Intelligence Unit at Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply you the requested information.

You wrote:

I am writing to request the following information from your organisation for the calendar years 2020, 2021 and 2022:

- The number of sexual assaults, at NHS mental health trusts, reported to your police force
 - o Please specify how many were sexual assaults on patients and how many were sexual assaults on staff
 - o Please specify which NHS trusts the assaults relate to
 - o Please also specify outcome, without any identifiers
- The number of sexual assaults, at private mental health facilities, reported to your police force
 - o Please specify how many were sexual assaults on patients and how many were sexual assaults on staff

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- o Please specify which organisation/company the assaults relate to
- o Please also specify outcome, without any identifiers
- Please repeat the above for rapes recorded at NHS mental health trusts and private mental health facilities

Response:

The information that you are requesting is not stored in a way which permits easy retrieval. Wiltshire Police currently do not have the capability within our systems to immediately identify the location or profession surrounding NHS mental health trusts. There is no mandatory flag which allows immediate search parameters for the above, and the requested information would only be listed within the summary of an occurrence log. In order to accurately obtain the information you seek, we would have to manually sift through all sexual offence logs during the period you have requested to determine if they relate to NHS mental health trusts and private mental health facilities.

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.

Normally 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, in this case, we do not believe that is possible due to the circumstances surrounding this request.

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

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

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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 you contact them, please visit <https://ico.org.uk/global/contact-us/>