

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 7th February 2023

Your ref: FOI

Our ref: FOI 2023 / 162

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 31st January 2023 concerning Section 46 of the Children's Act 1989.

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 advise how many time your Police authority has used the following powers over the last 5 years

1. Emergency powers, pursuant to s.46 of the Children Act 1989
2. The number of children removed using Section 46
3. The identified Emergency Harm
 - a) Domestic Violence
 - b) Sexual Abuse
 - c) Self Harm
 - d) Induced or Fabricated Illness
 - e) Parental alienation
 - f) Other please identify
4. The ages and gender of the removed children



INVESTOR IN PEOPLE

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval.

I have spoken with analysts in our Business Performance Team that deal with all aspects of crime recording and reporting – they have confirmed that whilst our Crime Recording system(s) are sophisticated and we have a number of fields of data containing information about a particular crime or incident upon which we can run effective searches for information, we do not have specific field in which we record the following :-

- a) The particular Power / Law / Act being enforced or acted upon**
- b) The types of individual involved in a recorded incident or occurrence (eg adults, children etc and if so how many)**
- c) The particular identified harm (if there was one)**
- d) Whether children have been removed or not relevant to a particular occurrence (and if so, why)**
- e) Whether a safeguarding PPD/PPN report has been used on an occurrence**

I have also liaised with our PPD (Public Protection Department) and MASH (Multi-Agency Support Hub) and both of those Teams have confirmed to me that they do not hold specific information on any of their system(s) to answer any of the particular questions you are asking.

The only way to ascertain the information you require would be to locate and read in full every occurrence log held on our systems that relate to either Domestic Violence and/or Sexual Offences and see whether it met your criteria or not (and if so, create a specific new set of data to record the information you require).

In any given calendar year, Wiltshire Police record something in the region of c12,000 crimes and c1,600 crimes related to sexual offences alone, I am absolutely confident that to locate, retrieve and extract the information you seek (even for only one calendar year, not 5) 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.

It also needs to be remembered that there is no obligation on an Authority to create information – if none exists already – simply to answer an FOI request.

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,

Nick Penny
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