

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 6th February 2023

Our ref **FOI 2022/997**

Dear ***,

I write in connection with your request for information dated 17th December 2022 concerning BAME police association numbers and relating to employment tribunals.

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, Equality and Diversity Team, HR and our Professional Standards Department at Wiltshire Police.

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

You wrote:

- 1) Does your force have an active Black Police Association or similar for black, Asian and ethnic minority (BAME) members of your workforce?
- 2) What is it called?
- 3) How many officers, support staff and PCSOs do you have?
- 4) How many of those are BAME workforce (officers, support staff and PCSOs)?
- 5) How many current Attendance Management cases do you have? (Force compared to BAME)?
- 6) How many current Complaints do you have? (Force compared to BAME)?
- 7) How many current Disciplinary cases do you have where regulation 21 notices have been served to attend a misconduct meeting/hearing? (Force compared to BAME)?

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- 8) How many current Employment Tribunals do you have, regardless of type of complaint? (Force compared to BAME)?
- 9) How many current Grievances do you have, regardless of type of complaint? (Force compared to BAME)?
- 10) How many current Incapability/capability cases do you have? (Force compared to BAME)?
- 11) How many current Regulation procedures (Misconduct and Gross Misconduct) do you have? (Force compared to BAME)?
- 12) How many current Unsatisfactory Performance Procedures Tribunals do you have, or equivalent? (Force compared to BAME)?
- 13) What local plans do you have to implement the Police Race Action Plan developed by the National Police Chiefs' Council (NPCC) and the College of Policing?
- 14) What grade, pay scale or band is your most senior BAME police staff? What is their gender?

Clarification sought from applicant regarding Q's 5, 6 10, 11 and 12.

Clarification received:

Q6: external complaints from the public please. How many in total (Force) and how many against BAME staff and officers.

Q11: How many conduct matters assessed as Gross Misconduct and Misconduct for the whole Force, and how many are for BAME officers please.

Q5: in relation to those members of staff or officers going through formal Attendance/Unsatisfactory Attendance procedures which may result in dismissal (or some other sanction).

Q10: this is a request for numbers of Police Staff currently being managed under the BCH Police staff Capability procedure, final stage.

Q12: this a request for numbers of Police Officers currently being managed under the UPP (Performance) procedures at the final stage, where a conference / Tribunal is scheduled or being held, and dismissal is an option.

Our response:

The information that you are requesting for questions 6, 7 and 11 is not stored in a way which permits easy retrieval. Wiltshire Police currently do not have the capability within our systems to flag information in relation to these questions which can then be analysed quickly and easily.

In relation to question 6&11, we do not have up to date protected characteristics within our case management system due to the new software within the force. Work is ongoing in the background to integrate these two systems in order that our data is current and accurate.

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However currently the only way to obtain this data would be to manually review all records, which would take over the 18hrs.

With regards to question 7, we currently do not have a code to search for this information and again the only possible way to determine this would be by carrying out a manual trawl.

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.

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:

1) Does your force have an active Black Police Association or similar for black, Asian and ethnic minority (BAME) members of your workforce? **Yes**

2) What is it called? **Wiltshire Ethnic Police Association**

3) How many officers, support staff and PCSOs do you have? **As of 31st December 2022, there are 1124 officers, 1038 police staff and 99 PCSOs. This data includes career break and secondment officers.**

4) How many of those are BAME workforce (officers, support staff and PCSOs)? **The information you are requesting is accessible by other means:**

<https://www.gov.uk/government/statistics/police-workforce-open-data-tables>

5) How many current Attendance Management cases do you have? (Force compared to BAME)? **7 Formal cases at the Stage 1**

8) How many current Employment Tribunals do you have, regardless of type of complaint? (Force compared to BAME)? **Currently 3 tribunal cases. Ethnicity data not known.**

9) How many current Grievances do you have, regardless of type of complaint? (Force compared to BAME)? **Currently 22 - BAME = this part of the request would be exempt under s40 Personal Information.**

10) How many current Incapability/capability cases do you have? (Force compared to BAME)? **None.**

12) How many current Unsatisfactory Performance Procedures Tribunals do you have, or equivalent? (Force compared to BAME)? **None.**

13) What local plans do you have to implement the Police Race Action Plan developed by the National Police Chiefs' Council (NPCC) and the College of Policing? **We have broken down each of the four workstreams of the race action plan to identify current work ongoing and any gaps in our current processes, practises and knowledge and Identified owners within the organisation for each element. We are engaging with our staff associations and hope that Wiltshire Ethnic Police Association will take an active part in**

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any work around engaging and improving our workplace for staff and to help us plan and facilitate engagement at community events. We aim to recruit members of the black communities in Wiltshire through these bespoke events and IAG activity. Our aim is that members of the black community will work directly with us in planning our work on the race action plan and hold us to account. Ownership for any workstreams directly affecting specific departments or working practices where departmental oversight is required will be at Chief Inspector level and they will be expected to provide updates to the Deputy Chief Constable. We have direct contact with College of policing leads through monthly meetings.

14) What grade, pay scale or band is your most senior BAME police staff? What is their gender? **Police staff member is female – Pay band W9.**

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 6, 7 and 11 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.

I apologise for the delay in answering your request.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Force 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

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.

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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

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/>