



XXXXXX – by E mail



Police Headquarters

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date 8th Dec 2023

Your ref:

Our ref: FOI 2023/1139

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information, dated 25th November 2023 concerning final written warnings, long service and good conduct awards.

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 HR department of Wiltshire Police.

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

You wrote:

Of the 96 Long Service Good Conduct medal issues to police officers between 2018-2022, how many of those officers were or had been subject to Gross misconduct and then went on to receive their long service and good conduct award.

(A response to your original FOI request 2023-412 was exempted on Section 12 (time cost) grounds. You refined that request under FOI reference 2023-508 which was similarly exempted and then again under FOI reference 2023-541 which was also exempted on the same basis. This request is a further refined / reduced request).

Response:

I have consulted with our HR department - once again - as to the practicalities of reviewing the data for just the 96 officers only up to the end of 2022.

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They have clarified – once again - that in order to identify whether any of these 96 individuals have also received a final written warning, we would still need to cross check their names with a different system and paper records covering a time period of 23 years. I have made extensive enquiries as to whether we can ascertain this information in any way but unfortunately it is not possible within our time obligations due to the need to cross check multiple systems over such a long time period. They have indicated that the task could take – on average – 1 hour per individual based on the amount of paperwork held and the length of the individuals' record on our Professional Standards database.

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.

IMPORTANT - Please Note

Wiltshire Police do not specifically hold the information you are requesting. In order to provide you with the answers you require here, this would necessitate Wiltshire Police physically creating data in order to answer this request.

There is no obligation on an Authority to create information where none currently exists today, simply to answer an FOI request.

Please bear this in mind if you intend to refine your request even further.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would normally advise you of a way to refine your request to a more manageable level. However, due to the difficulties in obtaining the requested information as outlined above – together with the fact that providing any information in this case would necessitate Wiltshire Police creating data - I cannot think of a way in which this could be achieved.

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.

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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

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

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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
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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/>