

WILTSHIRE POLICE



Via Email



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 22/04/2024

Your ref: FOI

Our ref: FOI 2024/113

Reply contact name is:

Dear ,

I write in connection with your request for information dated 26/01/2024 concerning 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.

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

You wrote:

1) How many employment tribunals were lodged by past or present staff against the force in the following calendar years: 2023, 2022, 2021.

- For example, in 2023, 15 claims were lodged

2) Please provide detail on the type of claims lodged in the following calendar years: 2023, 2022, 2021.

- For example, in 2023, 15 employment tribunals were lodged, 5 related to sex discrimination, 10 related to disability discrimination.

3) Please provide detail on the amount paid out to successful claimants in the following calendar years: 2023, 2022, 2021.

- For example, in 2023, 15 claims were lodged, 5 related to sex discrimination. One sex discrimination resulted in compensation being awarded amounting to £5,000

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Response:

In accordance with Section 1(1)(a) of the Act 2000 Wiltshire police confirms that it holds the details of the said compromise agreements however by virtue of s40(2) and s41(1) of the Act 2000 we are refusing to provide the information, to the level of detail, you have requested.

Disclosure of details of compromise agreements, released by this force into the public domain, would breach the first principle of the Data Protection Act. The first principle requires the data controller to process the data that it holds fairly and lawfully. We do not deem it fair, in this instance, as it could not be considered to meet the reasonable expectations of the individual, nor the force, as both parties agreed the non-disclosure of the compromise agreement. Additionally, Wiltshire police would be in breach of the legally binding conditions of the compromise agreement should it choose to disclose, thus engaging the lawfulness element of the first principle.

Section 41(1) Information provided in confidence – Information is exempt if: a) It was obtained by the public authority from any person and b) The disclosure of the information to the public authority holding it would breach the confidence actionable by that or any other person.

Section 41 is therefore applied as Wiltshire Police obtained the information from another person, a member of staff. By disclosing this information it would be a breach of the confidentiality clause within the agreement. The compromise agreements include a confidentiality clause, which is binding on both parties.

The information provided to Wiltshire Police was done so in strict confidence and the confider would be under the expectation that the information will only be used or disclosed in accordance with their consent, for the purpose it was provided for and not for disclosure under the Freedom of Information Act.

If there is a breach of confidence, the confider or any other party affected would have the right to take action against Wiltshire Police through the courts.

In this case the details concerning the settlement agreement would constitute personal information and release would be a breach of confidence, as the information was provided in confidence and is therefore exempt from disclosure.

In accordance with the Act, this letter represents a Refusal Notice.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 40(2) - Personal Information

Section 41(1) - Information provided in confidence

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Sections 40 and 41 are absolute exemptions and, as such, there is no requirement for the public interest test.

Section 40(2) Personal Information – Applies to the release of any data that would breach the data protection rights of a third party individual.

Please contact me if you would like to discuss the withheld information.

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 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

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/>