

WILTSHIRE POLICE



Via email



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 22/04/2024

Your ref: FOI

Our ref: FOI 2024/252

Reply contact name is:

Dear ,

I write in connection with your request for information dated 28/02/2024 concerning grievances and 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) Between 01/01/2019 and 31/12/2023, how many grievances were brought for issues relating (directly or indirectly) to disability, medical conditions, or reasonable adjustments?
- 2) Of those grievances (at 1 above), how many were from a) Police Officers and b) Police Staff?
- 3) Of those grievances (at 1 above), what is the breakdown of protected characteristics of claimants, namely gender, race, ethnicity, and sexuality.
- 4) Between 01/01/2019 and 31/12/2023, how many employment tribunal claims were lodged against your force (or an individual within your force)?
- 5) Of those employment tribunals (at 4 above), how many were brought for issues relating (directly or indirectly) to disability, medical conditions, or reasonable adjustments?
- 6) Of those employment tribunals (at 4 above), how many were from a) Police Officers and b) Police Staff?

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7) Of those disability related employment tribunals (at 4 above), what is the breakdown of protected characteristics of the claimants namely, gender, race, ethnicity, and sexuality.

8) Between 01/01/2019 and 31/12/2023, how many Employment Tribunal claims had the following outcomes:

- Settled out of court.
- As a result of Judicial Mediation
- Judgement in favour of the claimant(s)
- Judgement in favour of the force (or respondent if different)
- Not proceeded with

9) What is the total amount your force has paid in legal fees (to include contracted out legal services, as well as 'in house') as a consequence of Employment Tribunal claims between 01/01/2019 and 31/12/2023 (break down in years).

10) What is the total amount of monetary settlement your force has paid after Employment Tribunal claims between 01/01/2019 and 31/12/2023 (break down in years).

11) Between 01/01/2019 and 31/12/2023, what is total amount spent by force for Reasonable Adjustments by force including any Access to Work funding (break down in years).

Response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

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.

The type of information you require is not stored in a way which allows for easy retrieval. Looking at question 11 there are approximately 800 transactions that were coded to specialist equipment in HR and OHU, to determine if they were a Reasonable Adjustments or Access To Work each and every invoice would to be looked at. There is also the possibility that Reasonable Adjustments have been costed against other departments cost codes which is a further 600 transactions to look through. Due to Reasonable Adjustments and Access To Work not having their own finance account codes the information supplied would be accurate and would take longer then 18 hours to put together.

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. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

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Please note:

If one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Forces may use different recording systems; therefore it may be possible some Forces can provide this information where others cannot.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved. In respect of other questions within your request, I cannot think of a way in which you would be able to refine these questions, as they may incite further exemptions dependent on what information we may or may not hold.

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 12: Exemption where cost of compliance exceeds appropriate limit

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.



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/>