

WILTSHIRE POLICE



Via email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 02/04/2024

Our ref **FOI 2024/276**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 04/03/2024, concerning Clare's Law.

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, searches were conducted with the Domestic Abuse Support Team of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

Please provide the following information relation to Clare's Law (Domestic Violence Disclosure Scheme):

- 1.a) Since the rollout of Clare's Law in 2014, how many applications requesting information have been made?
- 1.b) Of these applications, how many have been denied?
2. What is the average response time for these applications?
3. Is there currently a backlog of applications? If so, what is the size of the backlog?
4. How many times has the Avon and Somerset Constabulary made a disclosure "on their own initiative if they receive information about the violent or abusive behaviour of a person that may impact on the safety of that person's current or ex-partner" (Right to Know)?

Response:

Please note "PAR" means Person At Risk.

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1a: Data for complete years as follows:

Year	DVDS Applications
2014	66
2015	157
2016	248
2017	262
2018	305
2019	443
2020	531
2021	654
2022	662
2023	774
2024 to 08/03/24	166

1b: Disclosure %: NB Disclosures are made where the criteria is made and where a disclosure is accepted. Non disclosure figures will therefore include cases where there is some information to disclosure but the person at risk (PAR) declines to receive a disclosure when offered.

Year	% Applications where a disclosure has been made
2016	38%
2017	64%
2018	34%
2019	35%
2020	38%
2021	50%
2022	33%
2023	39%
2024	40%

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2: 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. Wiltshire Police would have to manually peruse each request to calculate by inputting time take for each application to work out average, but should be noted that each case is different and applications may progress very quickly, or more slowly dependent on it's individual circumstances – i.e. whether any information to disclose or not, the amount of relevant information determined and the contact methods preferred by the applicant/PAR.

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.

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.

Under our Section 16 obligation, I have been able to provide you with figures that the department have been able to find.

3: There are currently 37 live applications that are all within the 28 days.

4: Total RTK applications 2014 to 2023 is 1599 plus 26 out of the 166 for 2024 so far. (Please note the question asks for Avon and Somerset data, but Wiltshire data has been provided)

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.

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Exemption applied:

Section 12: Exemption where cost of compliance exceeds appropriate limit

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.



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

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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/>