

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 25th July 2024

Your ref: FOI

Our ref: FOI 2024 / 674

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 21st July 2024 concerning the Management of Individuals under Notifications (Sexual Offences Act 2003).

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:

(A1) How many "working hours" have the department responsible for managing those subject to notification requirements under the Sexual Offences Act 2003 spent doing so within the years 2023, 2022, 2021, 2020 and 2019?

(A2) Of those "working hours" how many were spent on managing those individuals classed as "low risk", and "no risk", individuals specifically for all of the years mentioned?

(B1) What was the financial cost to the Police Force relating to managing individuals subject to notification requirements under the Sexual Offences Act 2003 in 2023, 2022, 2021, 2020 and 2019?

(B2) What was the financial cost to the Police Force in managing both "low risk" and "no risk" individuals specifically for all of the years mentioned?

(C1) For the years 2023, 2022, 2021, 2020 and 2019 – how many applications were made by those subject to notification requirements under the Sexual Offences Act 2003 for removal from indefinite notification requirements pursuant to Part 2, sections 88 and 91 of that act?

(C2) Of those applications, for all of the years mentioned, how many were successful vs how many were unsuccessful?



INVESTOR IN PEOPLE

(C3) What was the breakdown of the risk level, for all of the years mentioned, of the offenders who were granted permission to have their notification requirements removed?

(D1) For the years 2023, 2022, 2021, 2020 and 2019 – how many individuals monitored by your police force, who are subject to notification requirements under the Sexual Offences Act 2003, reoffended within the period that they are subject to those notification requirements e.g. what is the recidivism rate?

(D2) Of the individuals that did reoffend whilst subject to notification requirements, what was their risk level prior to reoffending for all of the years mentioned?

(E1) What is the force's classification of a "historical sex offence" e.g. conviction takes place two / five / ten / twenty / thirty years prior to conviction?

(E2) Of the individuals that reoffended in the years 2023, 2022, 2021, 2020 and 2019 whilst subject to notification requirements, how many had been convicted of crimes that would be classed as historical offences by your force?

(F1) How many individuals subject to notification requirements under the Sexual Offences Act 2003, that were classed as "low risk" / "no risk" by your force, AND had committed an offence that took place over ten years prior to their conviction, reoffended within the years 2023, 2022, 2021, 2020 and 2019?

Our response:

The information that you are requesting for the majority of your request (namely questions D1, D2, and F1) is not stored in a way which permits easy retrieval.

All Police Forces in the UK only hold information relevant to criminal activity that occurs in (or nominals that live in) their own geographic area of policing jurisdiction. By their nature, nominals are transient, moving between and/or committing offences irrespective of geographical borders.

All Forces share information – as and when there is a lawful or policing reason to do so – and have access to centralised databases such as PNC/PND, but are generally not aware of activity happening outside their immediate area on a day-to-day basis.

Currently, Wiltshire Police are managing in excess of 800 nominals subject to notification requirements of this nature of which roughly 1/3 are currently low risk. These individual's risk levels vary day to day.

Although our crime and offender management systems are sophisticated and we have a number of fields in which we record specific information about an individual or a given crime (and which can then theoretically be searched upon), we do not hold specific fields that record the following information :-

- Whether an individual has offended previously
- If they have previously offended, what that previous offending was
- Whether that offending occurred within a designated notification period

The only way to ascertain the information you require for questions D1, D2 and F1 would be to undertake a detailed manual review of each of those nominals in turn. It would be necessary to reference the details held for them on the PNC/PND database and compare it to the database information we hold to determine the answers you require. It might also necessitate us liaising with a number of other Forces in order to clarify particular information.

Given the number of nominals currently being managed 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.

It should be noted that if one part of the request engages a Section 12 response, then 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.

Please Note

As these 3 questions request information that is currently not held, it also needs to be recognised that answering these questions would actually necessitate the creation of new data – there is no obligation on an Authority to create data where none exists today, simply to answer an FOI request.

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 :-

Questions (A1) and (A2)

No Information Held.

There is no obligation on an authority to provide any form of explanation as to why a No Information Held response is being supplied, however – in this instance and under our Section 16 duty to be as helpful as possible to an applicant – I am happy to provide some additional context in this case.

Whilst our GRS System holds information around the contracted hours undertaken by staff in each Team and specific information about sickness and annual leave, it does not record those hours that are “lost” to things such as training & development nor when team members are either seconded out to other Teams (or seconded in for periods). It also does not record the hours provided by either non-contracted or temporary staff.

We therefore cannot quantify the “working hours” involved managing those individuals – either for the main department responsible for doing so (ViSOR / MOSOVO) or indeed overall in reality – where people from other units are also indirectly involved in the overall management of these individuals (eg Beat Officers, Intelligence / Custody / MASH Teams and so on)

Any monitoring of how resource is allocated within given departments at Wiltshire Police would be at the discretion of the Manager of that Team and its' use would be primarily to manage workflow within that Team. I have liaised with the Manager of our ViSOR / MOSOVO Team and they do not undertake any form of analysis or monitoring of how many man-hours are spent working on the various tasks or functions they undertake or on the specific management of the offenders by the varying levels of risk they possess.

Questions (B1) and (B2)

No Information Held.

As with the questions above - whilst there is no obligation to do so - I am happy to provide some additional context in this case to assist you.

Whilst our Finance / Payroll Systems record the running costs in terms of labour (and any other admin costs) Cost Centre - which is generally the specific Team – as already stated above, there are more Teams than simply our ViSOR / MOSOVO Team that are involved in the overall ongoing management of these offenders. Any time provided by other Teams or individuals in support of the ViSOR/MOSOVO Teams is not specifically recorded anywhere – and those hours/costs are seldom recharged across Teams. As a consequence we do not hold information in respect of the overall costs involved in managing these offenders nor is it possible for us to calculate it. In addition, at Wiltshire Police we do not currently undertake any form of “job-costing” – that is to say we do not have the ability (or requirement) to record how many hours and minutes are spent undertaking individual investigations or policing processes such as the management or individuals by risk, etc.

Please Note

With reference to the answers provided above, it should also be noted that there is no obligation on an authority to create information – where none exists today – in order to answer an FOI request.

Question (C1)

Year	Number
2019	17
2020	5
2021	12
2022	8
2023	8

Question (C2)

Year	Successful	Unsuccessful	Ongoing
2019	14	3	-
2020	4	1	-
2021	9	3	-
2022	8	-	-
2023	5	-	3

Question (C3)

Year	Low	Low Reactive	Medium
2019	13	-	1
2020	4	-	-
2021	5	4	-
2022	2	6	-
2023	2	3	-

Questions (E1) and (E2)

There is no formal classification used within Wiltshire Police for what constitutes an historic sexual offence.

By definition, an historic sexual offence is any sex crime that took place at a previous time, be it one day, one month, or one year previously for instance.

According to that definition, if any of these nominals had re-offended whilst subject to notice requirements, then all of that previous re-offending would be classified as “historic offences”.

Important

In your questions you refer to individuals being “no risk”. It should be noted that none of the individuals that are currently under notification under the Sexual Offences Act (2003) are deemed no risk – the fact that they are under notification at all is because they carry at least an element of risk.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of the remaining questions 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 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
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
Telephone 101 ext 62005

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.pnn.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