

13 February 2025

FOI Ref 17817

Request - You asked us the following:

I hope all is well.

May you please supply me with the following information...

The number of under 18s detained in custody overnight by your police force. Please provide the figures per calendar year for the following years: 2024, 2023, 2022 and 2021.

For example: in 2023, 122 under 18s were detained in custody overnight.

The number of under 18s detained in custody overnight by your police force who were flagged as having special educational needs or disabilities

For example: in 2023, 122 under 18s were detained in custody overnight. Of this group, 15 were identified as having SEND

If it is not possible to provide figures broken down by year can you please collate the figures. For example: between 1st January 2021 and 31st December 2024, 700 under 18s were detained in custody overnight. Of this group, 150 were identified as having SEND

SEND definition: According to the Children and Families Act 2014, a child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she—has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).

A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home. SOURCE: <https://www.legislation.gov.uk/ukpga/2014/6/part/3/crossheading/special-educational-needs-etc>

Overnight detention meaning: "The definition used for overnight was spending at least four hours in police custody between the hours of midnight and 8am" SOURCE: https://howardleague.org/wp-content/uploads/2016/05/Overnight_in_police_cells_final_summary.pdf

If you believe the contents of any such files are exempt from disclosure, please provide summaries of any such exempt files.

If this request is denied in whole or in part, I ask that you justify all deletions and exemptions by reference to specific exemptions under the Act

My preferred mode of access to this information is electronic. I would be grateful if you would confirm that you have received this request.

We received your request on 11/02/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

The following exemption has been applied:

- Section 12(1) where the cost of compliance exceeds the appropriate limit.
- Section 12(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 prescribed limit'.

The above information has been withheld for the following reasons:

There is no method by which we can readily retrieve information from our systems to answer part 2 of this request. For the time period requested, there have been in excess of 2,930 under 18 detainees. In order to ascertain whether the detainee reported a disability would mean each log would require manual review. To extract this data would therefore require a very labour-intensive manual trawl through each record. From dip sampling, it has been estimated that it would take approximately 4 minutes to review each record to answer this request, this would equate to over 195 hours. To achieve this task would therefore exceed the 18-hour time and cost threshold of the FOI Act by some considerable margin.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, in order to comply with this obligation please see below.

In order to assist in refining your request. Data could be provided for the number of under 18's detained in custody overnight and broken down for your requested time period. However, please note further exemptions may apply.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire 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 within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

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 Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central 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 20 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



STAFFORDSHIRE
POLICE

Cheshire

SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information

Central Disclosure Unit