



STAFFORDSHIRE
POLICE

Our Ref: FOI 16905 Internal Review of FOI 16884

Date: 16 January 2025

Original FOI Request

On 17th May 2024 the following FOI request was submitted to Staffordshire Police:

About your complaints (professional standards) department, the information I am seeking is since 01/01/2022 to the present, in excel format regarding each complaint received:

1. *The date the complaint was made*
2. *The date the complaint was logged*
3. *The number of days to contact the complainant*
4. *The date of finalisation*
5. *The complaint reference*
6. *The subject of the complaint/category*
7. *Whether that complaint was upheld*
8. *If the complainant was advised that the matter fell to another organisation and was directed to this other party*
9. *Whether a complainant, directed to another party (for example, the ICO – see s.12.10 below), re-presented the complaint to your PSD*

Response – s12 Refusal (16884)

On 22nd May 2024 a response was sent to which s12 of the FOI Act (Time and Cost) exemption was applied because of Q9.

Refined Request

On 23rd May 2024 a refined request with Q9 withdrawn, was submitted.

Response to Refined Request – Q5 exempted

A response was sent the same day (23rd May) which included the requested dataset detailing a list of complaints received by Staffordshire Police from 1st January 2022 up to and including 20th March 2024 but data for Q5 was exempted as the following FOI Act exemption was cited: s40(2) (Personal Information).

Furthermore, the dataset included finalised/closed complaints only; any 'live' or ongoing complaints were not included as the following exemption was cited:

s31(1)(g) Law Enforcement by virtue of (2)(b) for the purpose of ascertaining whether any person is responsible for any conduct which is improper).

Internal Review requested

An Internal Review was then requested which was received on 24th May 2024 as follows:

I am writing to request an internal review of Staffordshire Police's handling of my FOI request 'Redirecting Complaints'.

With regard to your response, I note:

26/03/2024 is the last complaint date displayed on the CSV file.

17/05/2024, the request was made and I sought information from 01/01/2022 to the 'present'.

23/05/2024, you responded to the request

1. Please confirm Staffordshire police have received no complaints since 26/03/2024 or, in the alternative, if complaints have been received, why this information has not been provided.

It is unclear from your response whether every complaint from 26/03/2024 to 17/05/2024 remains open i.e. falls to an exemption you are citing and if so which exemption. The only question against which 'withheld' is recorded is '5'. The remainder is endorsed as 'disclosed' but is not disclosed in full. The exemptions referred to after your response do not refer me to specific questions.

Q8:

About Q8 you have identified 547 cases

2. How have you identified the 547 redirected matters; did you manually review each?

'547' is a specific figure. It appears odd that it can be determined seemingly with relative ease but no further information can be provided.

I was required to refine my request. Following yours of 22/05/2024 I removed Q9. However, I now find, concerning Q8, s.12 (cost), seemingly being engaged again though without specific mention this time. Additionally, I note no s16 assistance is proffered. I refer you to yours of 22/05/2024.

3. Why was cost not mentioned previously in respect of Q8?

4. Why am I provided no assistance about Q8?

Cost appears tenuous – 547 matters would just exceed 18 hours (see below) and I could have been asked to reduce the scope (date period).

I find your response odd; on 22/05/2024 I was advised the information is held and no exemption/restriction is presented, the following day it is subject to exclusion.

It appears I need to revisit your Q9 exemption:

Q9:

22/05/2024 you asked me to remove question 9. To justify this, to explain that the cost would be exceeded you wrote:

'There is NO METHOD by which we can READILY RETRIEVE information from our complaint management system to answer this request. Within this system there is NO FIELD within which this information would be recorded; in order to ascertain this, all files and correspondence from the applicant would need to be manually reviewed.

Within the time period requested, there have been upwards of 7000 COMPLAINTS received and each would require manual review to identify whether the complainant had previously been directed to another party.

It has been estimated that in order to answer this request 2 minutes would be required to review each record, this would equate to approximately 233 hours to provide the requested data. To achieve this task would therefore exceed the 18-hour time and cost threshold of the Freedom of Information Act.'

On the basis that I may have misunderstood, please revisit and explain the above 22/05/2024 statements as I cannot reconcile them with your disclosure 24 hours later, today:

- *I asked, at Q9, about complaints directed to another and re-presented to you*
- *You advised there were 7,000 records*
- *You could not readily retrieve the information from your system*
- *each would need to be looked at manually – 233 hours (2mins x 7,000)!*

Today, promptly following the above, you have identified 547 complaints directed to another – how (see '3' above); you did not have time to do this manually! It appears:

- *You do not have to review 7000 records manually*
- *The records to check amount to 547*
- *It appears you could readily retrieve/identify the 547 records as:*
 - o *You have provided the figure promptly*
 - o *At 2 minutes/record, you would otherwise have engaged $2 \times 547 = 1,094$ minutes or about 18.5* hours*

**whilst still exceeding the 18-hour time and cost threshold of the Freedom of Information Act, 233 hours appear grossly overstated. I could, for example, have been advised to reduce the period for which I received information thus enabling the cost limit to be met and for me to receive data.*

5. *I await your comprehensive explanation*

I have not sought any personal information. It appears the complaint reference is being withheld as it is considered 'personal Information'. Whilst I disagree with this stance, I take no further issue.

On the basis the reference (the only aspect you cite as personal data) has been withheld, is not to be provided (and I am no longer seeking this):

6. *how, concerning live or ongoing cases, could release potentially undermine them?*
7. *What difference arises from a recently closed or currently open matter*
8. *How is s31 engaged:*

Any breach of standards of professional behaviour is NOT kept in confidence; as evidenced by your disclosure and the IOPC reports, the information is released.

As evidenced by your disclosure, no personal information is provided, and no information is sought that would identify a complainant (or the subject of the complaint). Their information is 'released simply upon request' but understandably in a manner that does not identify the parties, and does not reveal personal information. Closed or Open, the disclosure is unaffected in this respect. If you believe otherwise:

9. *Please explain the difference between disclosure of information relating to a closed (could be the day before) and an open matter*

Or to put it another way:

10. *Why does the information I have sought and disclosed relating to a closed matter attract less concern than an ongoing one – a matter about which you will release the information the day after it is closed?*

S.31 is a simple exemption to cite but the statements made are not justified, they are unexplained.

Withholding the information distorts the figures as I am unable to determine how many live/ongoing matters exist and the date they were raised etc..

Internal review response (16905)

On 24th June 2024 a response to the Internal Review was provided whereby each point was addressed in turn but in essence, Staffordshire Police did not alter its stance with regard to withholding the data for Q5 and we continued to rely on s40 for doing so. Similarly, it was considered that the s31 exemption had been correctly applied to all live/ongoing complaints.

Revised Stance

We have reviewed this request once again.

With regard to Q5, we no longer wish to rely on s40 as we cannot see any harm in disclosing the reference numbers of the complaints.

In addition, we do not believe that a blanket s31 exemption should have been applied with regard to all to complaints that at the time were still live/ongoing.

We have therefore, attached an updated dataset which lists in full the reference number of all recorded complaints (see column E – Q5):

'FOI 16884 & 16905 Revised Response – Data'

The dataset also now includes details of all complaints that at the time were still new/ongoing (identified as 'LIVE' in column G' – Q7).

Please be advised that all FOI requests and response letters are published on the Staffordshire Police website although personal details are not included.

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