

17 January 2025

FOI Ref 17674

Request - You asked us the following:

Hello, I am making a Freedom of Information request with regards to former NHS worker [REDACTED]

[REDACTED] was discovered at his home hours after he was suspended from his job at [REDACTED]

An inquest heard the cause of his death was suicide.

I have been informed that there was a rape allegation made against him [REDACTED] before he was arrested and later committed suicide.

I have also been told that a subsequent investigation into these allegations was carried out.

I am writing to request access to the results of that investigation.

We received your request on 15/01/2025 and have processed this under the Freedom of Information Act (FOIA).

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

Staffordshire Police can neither confirm nor deny whether information relevant to this request is held, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- Section 38(2) Health and Safety

Section 38 is a prejudice based qualified exemption and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Harm:

To confirm or deny that information is held relating to the investigation mentioned could, if held, affect the mental health and wellbeing of those who may be involved or linked to the named individual. Confirmation or denial that information is held may endanger the mental health of any person within the community that Staffordshire Police serve impacted by this event.

Public Interest Test:

Factors favouring complying with Section 1(1)(a) confirming or denying that information is held

In addition to the basic premise of being open and transparent, confirming or denying that information is held would allow for greater public awareness around the investigation processes used by Staffordshire Police and inform public debate upon how public funds are being spent.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Confirming or denying that information exists could lead to the loss of public confidence in Staffordshire Police's ability to protect the wellbeing of the community Staffordshire Police serve.

Balance Test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. Staffordshire Police will never divulge whether or not information pertinent to this request does or does not exist if to do so would place the safety or mental health of an individual at risk.

Therefore, at this moment in time, it is our opinion that for these reasons the balance test for confirming, nor denying that information is held is appropriate.

No inference can be taken from this refusal that information does or does not exist.

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.



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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
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