

3 September 2025

FOI Ref 21777

Request - You asked us the following:

I am writing under the Freedom of Information Act 2000 to request the following information covering the past 12 months (from the date of this email):

1. Misconduct Referrals

- * The total number of misconduct referrals received in the past 12 months
- * A breakdown of those referrals by ethnicity of the subject officer or staff member

2. Active Misconduct Investigations

- * The number of currently active misconduct investigations
- * A breakdown by ethnicity of the officers or staff under investigation

3. Regulation 12 Notices

- * The number of Regulation 12 notices issued in the past 12 months
- * A breakdown by ethnicity of the recipients

4. Regulation 13 Notices

- * The number of Regulation 13 notices issued in the past 12 months
- * A breakdown by ethnicity of the recipients

Please use standard UK policing ethnicity categories (e.g. White British, Black, Asian, Mixed, Other, Prefer not to say). If exact categorisations differ, please provide the definitions used.

Clarification received from applicant 20/08/2025:

How many conduct matters have been referred to PSD.

Further clarification received from applicant 20/08/2025:

For clarification on last, I want to know how many referrals from inside of Staffordshire Police have been referred for misconduct to PSD and how many misconduct cases there were in the 12 month period. I know not all referrals are assessed as meeting the threshold for misconduct and can be sent back with no further action or local management action. Hope this clarifies the issues but happy to clarify further if needed.

We received your request on 21/08/2025 and have processed this under the Freedom of Information Act (FOIA).

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

Staffordshire Police holds the requested information.

1. Misconduct Referrals

- * The total number of misconduct referrals received in the past 12 months – **Disclosed, please see the accompanying file entitled 'FOI 21777 Misconduct Referrals Data'.**

* A breakdown of those referrals by ethnicity of the subject officer or staff member – **Disclosed, please see the accompanying file entitled 'FOI 21777 Misconduct Referrals Data'.**

2. Active Misconduct Investigations

* The number of currently active misconduct investigations – **Disclosed, please see the accompanying file entitled 'FOI 21777 Misconduct Referrals Data'.**

* A breakdown by ethnicity of the officers or staff under investigation – **Withheld, section 31. Please see below.**

3. Regulation 12 Notices

* The number of Regulation 12 notices issued in the past 12 months – **Disclosed, please see the accompanying file entitled 'FOI 21777 Misconduct Referrals Data'.**

* A breakdown by ethnicity of the recipients – **Withheld, section 40. Please see below.**

4. Regulation 13 Notices

* The number of Regulation 13 notices issued in the past 12 months – **Disclosed, please see the accompanying file entitled 'FOI 21777 Misconduct Referrals Data'.**

* A breakdown by ethnicity of the recipients – **Withheld, section 40. Please see below.**

Please note this data is from September 2024 to August 2025 and relates to officers and staff. Furthermore, there can be multiple officers subject of the same allegation.

The following exemption has been applied:

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

- Section 40(2) Personal Information

Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

- Section 31(1)(g) Law Enforcement by virtue of (2)(b) for the purposes of ascertaining whether any person is responsible for any conduct which is improper.

Section 31 is a qualified, prejudiced-based exemption and there is a requirement to provide evidence of harm and conduct a public interest test.

Harm:

To release ethnicity details of cases which are currently ongoing could potentially undermine them. It is important that public authorities are allowed to fully investigate any allegations of improper conduct without fear of any speculation entering the public domain and undermining the investigation. Staffordshire Police is accountable in ensuring that any conduct matters are investigated and dealt with thoroughly and fairly.

Public Interest Test

Factors favouring disclosure under Section 31(1)(g)

There is a general public interest in disclosure and openness concerning police misconduct matters. There is a public interest in giving assurance to the public that effective arrangements are in place for preventing and detecting improper conduct.

Factors favouring non-disclosure under Section 31(1)(g)

Investigations into any breach of standards of professional behaviour rely upon the willing participation and cooperation of people in the investigation process. The effectiveness of the investigation process is maintained by the understanding among those who participate in it that any information which they provide about the circumstances surrounding any breach of standards of professional behaviour is kept in confidence, unless there is a lawful reason to do otherwise. It is vital that participants provide their information freely and openly and, in an environment, where they can trust that their information will not be prematurely disclosed, or released simply upon request.

If participants did not trust that their information would be kept in confidence then it would deter them from cooperating with investigations. This would be likely to prejudice the exercise of Staffordshire Police's function in investigating allegations of misconduct and, it follows, would undermine its maintenance of the various legal requirements about confidentiality of information. The value of investigations, such as those which are conducted into alleged breaches of standards of professional behaviour, rely on discretion, full cooperation and frankness from individuals involved.

Any release of information relating to ongoing investigations could prejudice and undermine those investigations. In addition, the right to a fair trial could be undermined.

Balance test

Staffordshire Police take all matters of misconduct very seriously and thoroughly investigate all instances reported to allow appropriate and proportionate punishment to be enforced or any parties to be identified and exonerated. Although the assurances that release of this information would provide are important, it is of paramount importance that the integrity of these investigations are not jeopardised. Release of any information that may interfere or prejudice investigations of this kind would not be undertaken. Therefore,

on balance it is our opinion that the factors supporting release of this information are outweighed by those opposing and this information will not be released.

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:

Information Access Team
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 Information Access Team 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 a Supervisor who is independent from the original Decision Maker. The Information Access Team 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 Supervisor 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 Supervisor will reply to the appellant with the result of the review. If the appellant is still dissatisfied following the review they should contact the Information



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Commissioner to make an appeal. The Information Commissioner can be contacted via the following link:
<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Information Access Team