

Freedom of Information Request Reference N°: FOI 000711-19

I write in connection with your request for information received by Suffolk Constabulary on the 18 February 2019 in which you sought access to the following information:

“Please provide details of the following statistics for the past five years on a year by year basis [2014, 2015, 2016, 2017, 2018]

- 1. Total number of police officers arrested for misconduct in public office on a year by year basis during the relevant timeframe*
- 2. Total number of police staff arrested for misconduct in public office on a year by year basis during the relevant timeframe*
- 3. Total number of police officers arrested on a year by year basis during the relevant timeframe*
- 4. Total number of police staff arrested on a year by year basis during the relevant timeframe*
- 5. Total number of people charged for misconduct in public office on a year by year basis during the relevant timeframe*
- 6. Total number of police officers charged misconduct in public office on a year by year basis during the relevant timeframe*
- 7. Total number of police staff charged misconduct in public office on a year by year basis during the relevant timeframe*
- 8. Total number of gross misconduct hearings on a year by year basis during the relevant timeframe*
- 9. Total number of misconduct meetings on a year by year basis during the relevant timeframe*
- 10. Total number of dismissals on a year by year basis during the relevant timeframe*
- 11. Total number of resignations whilst officers/staff were under investigation on a year by year basis during the relevant timeframe*
- 12. Total number of misconducts in public office crime reports generated on a year by year basis during the relevant timeframe*

During the period 2014-2019, on a year by year basis [2014, 2015, 2016, 2017, 2018] please advise;

- 13. The total number of fairness at works/grievances submitted to Human Resources*
- 14. The total number of [13] resulting in a workplace investigation*
- 15. Total number of [13] upheld*
- 16. Total number of [13] referred to professional standards departments*
- 17. Total number of [13] investigated out of Force.*
- 18. Total number of [13] investigated independently by external agency*
- 19. Total number of HR staff who are trained in police investigation*

20. *Total number of HR staff who are accredited by ACAS in workplace investigations*
21. *Total number of HR staff who are accredited by ACAS in workplace mediation*
22. *Total number of [13] reviewed by a qualified solicitor/barrister*
23. *Total expenditure of external legal services consultancy for employment matters regarding conduct only (please do not include costs for consultancy on TUPE, organisational restructure, contracts, terms and conditions) between 2014 and 2019 (Total only)*
24. *Total number of cases referred to the Employment Tribunal on a year by year basis [2014, 2015, 2016, 2017, 2018] please advise;*
25. *Total number of cases settled by prior to Employment Tribunal on a year by year basis [2014, 2015, 2016, 2017, 2018] please advise;*
26. *Total expenditure on external legal representation for matters proceeding to an employment tribunal. Please include all expenditure for example, telephone and case conferences, reading and preparation time, drafting, representation and attending court) on a year by year basis [2014, 2015, 2016, 2017, 2018] please advise;.”*

Response to your Request

The response provided below is correct as of 13 March 2019

Suffolk Constabulary has considered your request for information and the response is below.

In relation to your request for information and in accordance with Section 17 of the Freedom of Information Act 2000 (FOIA), this response serves as a formal notification of refusal for your request. Suffolk Constabulary does not hold, for the purposes of FOIA, the information you require in a retrievable format.

It is estimated that to attempt to retrieve all of the information you require would take a considerable amount of retrieval time, which would exceed 18 hours. This would exceed the appropriate limit for dealing with Freedom of Information requests, in terms of costs and therefore Section 12(1) of the Freedom of Information Act 2000 applies.

In relation to questions 13 – 22, Suffolk Constabulary is only able to retrieve data from 2016 onwards. Prior to this date, the Human Resources department went through a restructure with areas of business moving to different teams. Prior to 2016, grievances in Suffolk were not centrally recorded and would be managed within the employee files, to retrieve this data would involve the manual review of all HR employee files. This would be a very time consuming task and would involve reviewing thousands of files, well exceeding the time restraints of the FOI Act.

With regards to questions 24 and 25, this data is only held from 2018 onwards centrally. Information held prior to this time will be embedded within HR records and we would need to review all staff personnel files who were in force for the time frame requested to establish

whether any Employment Tribunals were carried out. This would take an excessive amount of time considering a search will require the review of thousands of files.

Additionally, the Constabulary does not hold central records of staff and officers who are accredited by ACAS, this would be held within relevant personnel files and would require a similar manual search as indicated above.

Section 12(1) of the Freedom of Information Act 2000 states that a Public Authority is not obliged to: “...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.” The Freedom of Information (Appropriate Limit and Fees) Regulations, defines the ‘appropriate limit’ for the Suffolk Constabulary as £450 and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17(5) of the Freedom of Information Act 2000, this letter serves as a refusal notice for this part of your request.

By requesting *all* information your request is too broad to be complied with within the £450 limit imposed on Freedom of Information requests.

Although excess cost removes the Force's 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.

1. No officers have been arrested for misconduct in a public office.
2. The number of staff arrested for misconduct in a public office, is as follows:

Year	Staff arrests – Misconduct in a public office
2014	1
2016	1

No further action was taken in relation to either arrest.

3. The total number of police officers and specials arrested is as follows:

Year	Officer arrests
2015	1
2016	3



2017	3
2018	1

Of the officers arrested, two resulted in court appearances and the remaining resulted in no further action.

4. The total number of police staff arrested is as follows:

Year	Staff arrests
2014	1
2015	1
2016	1
2017	2
2018	1

Of the members of staff arrested, two resulted in court appearances, one received a caution and the remaining resulted in no further action.

5. None
6. None
7. None
8. Misconduct hearing outcomes are published on the Constabulary's website for the years 2015/16 to date and can be accessed via the following link:
<http://www.suffolk.police.uk/news/misconduct-hearings>
- 2014/15 data is attached.
9. As per question 8
10. As per Question 8
11. The table below details the number of officers (including members of the Special Constabulary) and staff who either resigned whilst under investigation or prior to misconduct proceedings between 1 January 2014 and 31 December 2018 and where no further action was taken by the Force.

Year	Officer resignations	Staff resignations
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2014	10	2
2015	1	2
2016	2	4
2017	4	2
2018	1	0

12. None

Please note that HR previously underwent a period of restructure. Areas of business moved to different teams with Fairness at Work/Grievances eventually becoming the responsibility of the HR Casework Team, and now the HR Operations Team, with centrally held records of all grievances in Norfolk and Suffolk. Prior to this grievances in Suffolk were dealt with by HRAs who would manage cases and update to employee files, therefore there was no central recording. Unfortunately this means it is not possible to report prior to 2016 as it would take a considerable amount of time (far exceeding 18hrs) to locate individual grievances. Data has therefore been provided from the beginning of 2016 to 25/02/2019.

13. The total number of fairness at works/grievances submitted to Human Resources

Year of Referral	Officer	Staff
2016	4	10
2017	1	11
2018	7	14
2019	1	
Grand Total	13	35

14. 42 of the 48 cases resulted in some form of investigation, either a full investigation through Stage 1, 2, etc. or in part that may have resulted in closure due to informal resolution for example.

Year of Referral	Did not result in Workplace Investigation	Resulted in Workplace Investigation
2016	1	13
2017	1	11
2018	4	17
2019		1
Grand Total	6	42

15. Of the 48 cases, 15 were upheld either in full or in part. It should be noted that for a number of cases although the specific grievance/s may not have been upheld there may be lessons learnt and recommendations that arise as a result of the investigation.

Year of Referral	N/A - appealing through another process	N/A - closure due to lack of further information	N/A - did not fall within FAW procedure	N/A - informal resolution	N/A - withdrawn	Not upheld	Ongoing	Upheld
2016			1		2	6		5
2017	1				1	5		5
2018				4		7	5	5
2019		1						
Total	1	1	1	4	3	18	5	15

16. Of the 48 cases, 2 were referred to PSD (both cases were referred in 2016)
17. None of the cases were investigated out of Force.
18. None of the cases were investigated independently by an external agency.
19. There are 38 officers who work within the Joint Human Resources department across Norfolk and Suffolk who will of been trained in Police Investigation. Human Resources is made up of a number of areas, including Learning and Development which is where most of our officers are based.
20. Unable to provide the detail
21. Unable to provide the detail
22. None of the cases were reviewed by a qualified solicitor/barrister.
23. The total expenditure of external legal services consultancy for employment matters regarding conduct only, is as follows:

Year opened	Total Expenditure (£)
2014	188
2015	2,115
2016	23,553
2017	10,983
2018	9,709

24. During 2018, Suffolk had two cases referred to Employment Tribunal
25. Both cases were resolved at the Early Conciliation stages and did not progress to an ET, neither involved settlements.
26. The table provided below confirms the total expenditure for external legal representation for matters proceeding to an employment tribunal. All of the expenditure relates to files which have specifically been opened up as an Employment Tribunal where a claim has been issued. The date range indicates when the matter was opened and not when it was completed.

Year opened	Total Expenditure
2013/14	£6,048
2014/15	£2,461
2015/16	£5,018
2016/17	£0
2017/18	£8,893
2018/19	£0

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Suffolk Constabulary is not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



Your Right to Request a Review of Decisions Made Under the Terms of the Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700