



24th December 2019

Freedom of Information Request Reference N°: FOI 004308/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 27th November 2019 in which you sought access to the following information:

Please provide case information of interview techniques and policies of offenders and witnesses with learning or disabilities:

- 1 please provide the number cases recorded until and including 2019
- 2 please provide or describe policies, procedures, guidelines and standard operational procedures for the interviewing of witnesses and offenders with learning difficulties or disabilities
- 3 please provide or describe the procedure, policies, guidelines and standard operational protocol of the identification of a learning difficulty.
- 4 What information is provided and what procedure is used to ensure their understanding of the situation and that their wellbeing is monitored throughout the investigation?
- 5 What proportion of the interviews were carried out by an officer with the required training?
- 6 Is it mandatory for an officer to have the correct training to carry out an interview with an offender or witness with learning difficulties?
- 7 What policy and procedure is carried out if there is no officer present with the relevant training?

Response to your Request

Norfolk and Suffolk Constabularies have reviewed your request and our response is below.

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimates that to retrieve all the information you have requested for both forces would exceed cost in excess of £450 (per force).

There are no central records relating to the number of interviews that have been carried out where the offender or witness have a learning disability. Therefore, identifying these would be an enormous task and would require the manual review of both custody records and investigation files.

This would be an enormous task and would significantly exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act 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 2004, defines the ‘appropriate limit’ for the Norfolk and Suffolk Constabularies as £450 for each Constabulary, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

Advice & Assistance

Although excess cost removes the Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, we have supplied information, relative to your request, which was 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.

Every interviewer should adhere to the Achieving Best Evidence Guidelines, the Youth Justice and Criminal Evidence Act 1999 and Section 42 of the Care Act.

Further guidance can be found via the link below:-

<https://www.app.college.police.uk/app-content/investigations/victims-and-witnesses/>

A key witness, or victim with learning difficulties, would need to be interviewed using ABE Video Recorded Interview (ABE VRI) and this is mandatory training for an officer to carry out such an interview.

An officer interviewing a person with learning difficulties would not be specially trained but the expectation would be that an Appropriate Adult was present at each stage of the interview and evidence gathering, to assist with the person’s understanding of the process.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, 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/>

Norfolk and Suffolk Constabularies are 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 the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 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
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.pnn.police.uk*

In all possible circumstances Norfolk and 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 Norfolk and 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