

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 December 2018

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Malling House
Lewes
Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant has requested information from Sussex Police about its Safeguarding Investigation Unit.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation.
 - Sussex Police must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. Sussex Police must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 10 July 2018, the complainant wrote to Sussex Police and requested information in the following terms:

"Please provide the following information concerning the Safeguarding Investigation Unit which deals with cases of abuse, or potential abuse, against adults:

1) When was the Safeguarding Investigation Unit created?

2) How many cases have been referred to it since this date?

3) How many of these were investigated?

4) Is there any breakdown in the figures between males and females being subjected to abuse where abuse has been reported? What are the figures for male, or female, abuse for each of the years so far?

5) What was the outcome of cases reported, or referred, to it? How many of these were taken up with other relevant bodies? How many were then investigated by Sussex Police for criminal offences? Please give the figures for each of the years so far.

6) Have there been any cases referred to the Crown Prosecution Service for prosecution? Please state the number of the cases referred to the CPS for each of the years to date.

7) Have there been any successful prosecutions to date?"

6. Sussex Police responded on 17 July 2018 and acknowledged receipt of the request.
7. The complainant wrote to Sussex Police to obtain an update on the request on 15 and 24 August 2018. Sussex Police responded on 24 August 2018 to apologise for the delay and advised the request was being processed.
8. The complainant wrote to Sussex Police on 3 further occasions to complain about the delay.

Scope of the case

9. The complainant contacted the Commissioner on 25 October 2018 to complain about Sussex Police's failure to respond to his information request.
10. On 14 November 2018 the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the request within 10 working days.
11. Despite this intervention Sussex Police has failed to respond to the request.

Reasons for decision

12. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

- (a) To be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) If that is the case, to have that information communicated to him."*

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
14. From the evidence provided to the Commissioner in this case, it is clear that Sussex Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Sussex Police has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the requests in accordance with the FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Deborah Clark
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF