

Reference: FPR0987682

Freedom of Information Act 2000 (Section 48) Practice Recommendation

Chief Constable of Staffordshire Police

19 November 2024

Summary

Section 48 of the Freedom of Information Act (FOIA) empowers the information Commissioner (the Commissioner) to issue a practice recommendation where it appears to him that a public authority has failed to conform, specifically, to the FOIA Codes of Practice. These failures are addressed in the recommendations section below. Section 47 of FOIA also makes clear that the Commissioner has a duty to promote the following of good practice beyond just the requirements of the Codes of Practice.

Staffordshire Police has recently demonstrated poor levels of performance in terms of its response times to FOIA requests. This has been highlighted by complaints made to the Commissioner on this issue.

The Commissioner is also aware from Staffordshire Police that its FOI Team is currently understaffed and this has caused issues where staff are unable to respond to FOIA requests within 20 working days.

Following engagement by his staff with Staffordshire Police about the underlying reasons for these failings, the Commissioner has reached the view that Staffordshire Police's request handling practices do not conform to part 4 of the section 45 Freedom of Information Code of Practice, issued by the Cabinet Office in July 2018 (the Code).

Recommendations

Staffordshire Police has confirmed to the Commissioner that there is no action plan to improve its information handling process. The Commissioner has therefore issued the following recommendations to support Staffordshire Police to improve its information rights practices.

In considering these recommendations, we expect Staffordshire Police to ensure that it meets the requirements of all information rights legislation to which it is subject.

Area of Code	Non-conformity	Recommendation of steps to be taken
<p>Part 4 – time limits for responding to requests</p> <p>Section 4.1 of the Code highlights the “clear” requirement that public authorities respond to requests for information promptly, and within 20 working days of receipt in accordance with section 10(1) of FOIA.</p>	<p>On 23 September 2024, Staffordshire Police informed the Commissioner that it had a backlog of 60 overdue requests.</p>	<p>Staffordshire Police should ensure that requests for information are responded to in a timely manner.</p>
	<p>For the financial year 2023-2024, Staffordshire Police responded to 71.5% of FOIA requests within the statutory time limits.</p>	<p>Staffordshire Police should use the Commissioner's FOI self-assessment toolkit to improve its timeliness compliance.</p>
	<p>Staffordshire Police’s lowest level of compliance was August 2024, where it responded to 3% of FOIA requests within the statutory time limits.</p>	<p>Staffordshire Police should ensure that it has adequate levels of resource within its Information Rights teams to ensure that FOI requests, and internal reviews, are processed in a timely manner.</p>
	<p>From 1 September 2023 to 1 September 2024, 7 cases resulted in a section 10(1) FOIA decision notice requiring Staffordshire Police</p>	<p>Staffordshire Police must ensure that its information rights training is sufficient to ensure that it has adequate coverage in place in order that request handling times do not fall below a compliant level in the event of the departure of key staff members.</p>
	<p>From 1 September 2023 to 1 September 2024, 7 cases resulted in a section 10(1) FOIA decision notice requiring Staffordshire Police</p>	<p>Staffordshire Police should also ensure that staff within its various departments responsible for request handling are also aware of the importance of processing requests in a timely manner.</p>

	<p>to respond to the request submitted.</p>	<p>Staffordshire Police must implement an Action Plan which should be published on its website by 31 of January 2025 for full transparency about the improvements it is making.</p> <p>Staffordshire Police should ensure that the Action Plan incorporates appropriate processes being put in place to ensure both the backlog of overdue requests is cleared and 90% timeliness compliance is consistently achieved by 1 of March 2025.</p> <p>In accordance with part 8.5 of the Code, Staffordshire Police should publish its information access request statistics and make these easily accessible on its website. The statistics should include the number of information access requests that have not been processed and the number of completed requests where the processing took longer than 20 working days.</p> <p>Staffordshire Police's request handling procedures should include provision for when a response is late, or is likely to be late at any stage of the internal processes, it is clear when and to who to escalate, who is responsible for taking action, the action they will need to take, and by when.</p>
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Reasons for issuing this Practice Recommendation

The Commissioner is issuing a Practice Recommendation at this time rather than, for example, an Enforcement Notice because Staffordshire Police has engaged openly with his office about the procedural problems it has faced. The overall backlog of overdue requests is also smaller than that of some equivalent police forces.

This practice recommendation formalises the Commissioner's concerns and holds Staffordshire Police accountable for improving its freedom of information request handling practices and, in turn, increase public confidence and trust in its information rights practices.

A practice recommendation has been deemed appropriate to issue due to this increased volume of complaints being received by the Commissioner. Of greatest concern to the Commissioner is the backlog of aged requests which remain open with Staffordshire Police and that no action plan has been implemented to resolve this.

Age profile of overdue requests as of 23 September 2024	FOI/EIR
Number of requests open over 20 working days	60
Number of requests open over three months old	1
Number of requests open over six months old	0

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Number of requests open over nine months old	0
Number of requests open over a year old	0
Oldest open request	April 2024

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Failure to comply

A practice recommendation cannot be directly enforced by the Commissioner. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner.

Staffordshire Police should write to the Commissioner by 1 of March 2025 to confirm that it has complied with its recommendations and how it has achieved this.

The Commissioner will have regard to this practice recommendation in his handling of subsequent cases involving Staffordshire Police.