

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 June 2023

Public Authority: Chief Constable of Sussex Police
Address: Sussex Police Headquarters
Church Lane
Lewes
East Sussex
BN7 2DZ

Decision (including any steps ordered)

1. The complainant requested information relating to use of force incidents recorded by Safer Schools Police Officers. By the date of this notice Sussex Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Sussex Police has breached section 10(1) of 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 provide a substantive response to the request in accordance with its obligations under 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 March 2023, the complainant wrote to Sussex Police and requested information in the following terms:

"Please provide me with the following information:

1. The total number of use of force incidents recorded by Safer Schools Police Officers (or personnel bearing other titles that may cover police staff who spend some of their time on a school site) in 2022.

Please also provide this number broken down by:

- a. The type of force used
 - b. Age (11-15, 16-18) of the child
 - c. Gender of the child
 - d. Ethnicity of the child
 - e. The number of incidents that resulted in children sustaining injuries
2. The total number of complaints the force has received relating to Safer Schools Police Officers (or personnel bearing other titles that may cover police staff who spend some of their time on a school site) in 2022"
6. Sussex Police acknowledged receipt of the request on 16 March 2023, providing the complainant with a reference number for their request.
 7. Sussex Police wrote to the complainant on 24 March 2023, asking them to clarify whether they are:

"enquiring about use of force by Safer School Officers on under 18s on school grounds in the course of their duties? The reason we ask is that those officers often carry out other police functions and responsibilities e.g. duties policing the night time economy etc. They may use force on under 18s in such scenarios but this will not be linked to their roles within schools and will not occur on school premises. Please respond to this email to confirm if you are only interested in incidents happening on school grounds."
 8. The complainant responded to Sussex Police on 3 April 2023, clarifying that "I would like my request limited to use of force incidents that have taken place on school grounds, please."
 9. To date, a substantive response has not been issued.

Reasons for decision

10. Section 1(1) of 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.”

11. Section 10(1) of 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”.

12. On 2 June 2023, the Commissioner wrote to Sussex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

13. Despite this intervention Sussex Police has failed to respond to the complainant.

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 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 request in accordance with 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Pamela Clements
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