

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 August 2023

Public Authority: Chief Constable of Essex Police

Address: PO Box 2
Springfield
Chelmsford
Essex
CM2 6DA

Decision (including any steps ordered)

1. The complainant requested information about allegations of sexual offences and made about police officers and action taken. By the date of this notice Essex Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Essex 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 Essex Police to take the following step to ensure compliance with the legislation.
 - Essex Police must provide a substantive response to the request in accordance with its obligations under FOIA.
4. Essex 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 13 March 2023, the complainant wrote to Essex Police and requested information in the following terms:

"I would like to request the following information under the Freedom of Information Act 2000.

Question 1 i) Total number of Essex Police officers accused of sexual offences, as outlined by the CPS, including domestic abuse and coercive control since April 2013? ii) Total number of allegations against police officers in (i)? iii) Type of allegation / offence? iv) What action was taken? (Arrests, Charges, No further Action, misconduct hearings etc.)

Question 2 i) Total number of staff members working for Essex Police accused of sexual offences, as outlined by the CPS, including domestic abuse and coercive control, since April 2013. ii) Total number of allegations against staff members in (i)? iii) Type of allegation / offence? iv) What action was taken? (Arrests, Charges, No further Action, misconduct hearings etc.)

Question 3 How many officers & staff are being reviewed by Essex Police as part of the national vetting process review that was prompted by the Home Office following [NAME REDACTED]'s sentencing?"

6. To date, a substantive response has not been issued.

Reasons for decision

7. 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."

8. 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".

9. On 24 July 2023 the Commissioner wrote to Essex Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention Essex Police has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that Essex Police did not deal with the request for information in accordance with FOIA. The Commissioner finds that Essex 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

12. 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

13. 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.
14. 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

Michael Lea
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF