

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 December 2024

Public Authority: Chief Constable of Warwickshire Police
Address: Police Headquarters
Leek Wootton
Warwick CV35 7QAX

Decision (including any steps ordered)

1. The complainant requested copies of particular policies and procedural guidelines.
2. The Commissioner's decision is that the above public authority ("Warwickshire Police") did not provide adequate advice and assistance in accordance with section 16 of FOIA.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 9 December 2023, the complainant wrote to Warwickshire Police and requested information in the following terms:

"I am seeking all policy and procedural guidelines, which should be shared with victims of sexual violence/rape by an intimate partner (with consideration to domestic violence, financial control and coercive control) on reporting to the police, for example policy on informing survivors about The Victim's Code, the Criminal Injuries Compensation Scheme, signposting to support networks and groups, CPS guidelines in relation to mental health services and treatments pre-trial, etc.

I want to understand which documents/policies were in effect at December 2018, receiving copies of these, as well as any future revisions that replaced the guidance at this time (ensuring that each

policy, procedural document or training guidance for Warwickshire Police clearly states the date of its issue, when supplied to me).”

5. Warwickshire Police responded on 11 January 2024 as follows:

“Warwickshire Police follow the College of Policing APP and National Guidance in relation to Victim and Witness Care. When searching for the Victim and Witness Care Policy on the force website the following notice is provided:

‘FORCE POLICY HAS BEEN REPLACED WITH APP AND NATIONAL GUIDANCE

Please follow link below to APP and Government websites Victim and Witness Care APP Victim Care Code of Practice’

This was published on the Force Intranet in 2019; however, no information is held in relation to any local policy held prior to this date.

Please see the below links in relation to the College of Policing APP which is available within the public domain:

Victim and witness care | College of Policing [Victim and witness care | College of Policing](#)

MoJ Victims Code 2020 (publishing.service.gov.uk) [MoJ Victims Code 2020](#)

Every effort has been made to ensure that the information provided is as accurate as possible.”

6. On 15 January 2024, the complainant wrote to Warwickshire Police and explained that they had not provided the information requested as it did not relate to what was in effect in December 2018. Warwickshire Police indicated that the policy prior to 2019 was no longer held.

7. The complainant requested an internal review on 17 January 2024 in the following terms:

“I find this situation ludicrous, that a force would have no access to past policy from only 4 years ago! You have live cases that are investigated for longer than 4 years, so what documentation would Professional Standards refer back to for prior to 2019, if they were required to do so? I’m astounded that none of this documentation is archived or retained anywhere! And you haven’t clarified when national policies replaced local policies either? When was this in 2019?”

8. On 6 February 2024, Warwickshire Police provided an internal review response as follows:

"Having reviewed your original FOI request and your submissions I have conducted some further research with the relevant business area. Since responding to your request, it has since come to light that the College of Policing APP and National Guidance in relation to Victim and Witness Care that you have been provided links to previously was in fact authorised and became active in 2017. The publication was amended on the force intranet in 2019 which is where the confusion came from. I can confirm that the information previously supplied was what was in use in December 2018."

9. The complainant then made a formal complaint about the handling of the request which was dealt with by Warwickshire Police's Professional Standards Department. In their response Warwickshire Police wrote:

"I have managed to locate the policy, which came before the word document you highlighted on the intranet. I have attached the policy and the timeframe for this is 2013-2017. The word document you highlighted was actually authorised 2017, however, wasn't uploaded onto the intranet until 2019, not sure why. So, after all the digging I've done I am confident to say that the original document you sent through was the one in place in December 2018."

Scope of the case

10. In their complaint to the Commissioner, the complainant explained that they still did not feel that they had been sent all of the documents requested and, in particular, that:

- Warwickshire Police's communication had been confusing; and
- the links provided by Warwickshire Police to the Ministry of Justice's ("MOJ's") Victim's Code and College of Policing's Victim and Witness Care Codes in their response dated 11 January 2024 were links to the current Codes and not those in force in December 2018.

Reasons for decision

Section 16: Duty to provide advice and assistance

11. Section 16(1) of FOIA states:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do

so, to persons who propose to make, or have made, requests for information to it.”

12. Warwickshire Police confused the complainant by first stating that the Victim and Witness Care Policy provided on 11 January 2024 was not in force in December 2018 and then stating that it was, on internal review. It is the Commissioner’s view that Warwickshire Police did not initially scope the request correctly, and also failed to check the links provided to see if they were relevant to the request.
13. In addition, Warwickshire Police did not explain to the complainant that it was not the public authority responsible for the external links and did not signpost the complainant to the MOJ and the College of Policing where copies of the versions requested by the complainant might be found.
14. In the circumstances of this case, it would have been to the benefit of both parties if Warwickshire Police had engaged more fully with the complainant and provided clearer explanations of why information was not held and where it could be found. A member of the public cannot be expected to understand how a public authority holds information.
15. Based on the above, the Commissioner finds that Warwickshire Police have failed to comply with the requirements stipulated in section 16(1) of FOIA.

Other matters

16. In its response to the Commissioner’s enquiries, Warwickshire Police explained that it was not responsible for the external links to the Ministry of Justice’s Victim’s Code and College of Policing’s Victim and Witness Care Codes and so could not provide the complainant with copies of historic versions of those Codes.
17. The Commissioner would remind Warwickshire Police of its obligation to assist requestors and brings to its attention the Freedom of Information Code of Practice [Freedom of Information Code of Practice - GOV.UK](#) paragraphs 2.11 and 2.12:

“2.11 There will be occasions when a public authority is not able to comply with a request (or to comply with it in full) because it does not hold the information requested.

2.12 In most cases where a public authority does not hold the information, but thinks that another public authority does, they should respond to the applicant to inform them that the requested information

is not held by them, and that it may be held by another public authority. The public authority should, as best practice where they can, provide the contact details for the public authority they believe holds the requested information.”

Right of appeal

18. 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

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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