

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 December 2022

Public Authority: Chief Constable of Humberside Police
Address: Humberside Police Headquarters
Priory Police Station
Priory Road
Hull
HU5 5SF

Decision (including any steps ordered)

1. The complainants requested information about dedicated specific points of contact, policies and procedures for modern slavery and missing persons, including those relating to county lines, cannabis houses and domestic workers. By the date of this notice Humberside Police had not issued a substantive response to this request.
2. The Commissioner's decision is that Humberside Police has failed to complete its deliberations on the balance of the public interest within a reasonable time and has therefore breached section 17(3) of FOIA.
3. The Commissioner requires Humberside Police to take the following step to ensure compliance with the legislation.
 - Having confirmed whether or not information is held within the scope of the request: either disclose the requested information, if held, or, to the extent that information is to be withheld, issue a refusal notice in accordance with the requirements of section 17 of the FOIA.
4. Humberside 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 31 January 2022 the complainant wrote to Humberside Police and requested information in the following terms:

We have considered the response to a police super complaint submitted by Hestia :

Police Response to Victims of Modern Slavery

(<https://www.gov.uk/government/publications/police-response-to-victims-of-modern-slavery/the-hidden-victims-report-on-hestias-supercomplaint-on-the-police-response-to-victims-of-modern-slavery--2>)

1.

Paragraph 12.1 of the report includes the following:

'....All forces have dedicated specific points of contact for modern slavery....'

Please provide the name and contact details for the point of contact for modern slavery within your force.

If your force does not have a specific point of contact for modern slavery please confirm this.

2.

We understand that each local police force is required to have a policy and/or procedure that details how the force will respond to victims of trafficking and modern slavery. We understand that the policy and procedure documents/guides are distinct items. In particular that a policy document is akin to an overview of the approach a force will take. The procedure document is a detailed operational document. In this request we seek BOTH the policy and procedure documents.

Specifically please provide:

a.

Your force procedure for responding to victims of modern slavery b.

Your force policy for responding to victims of modern slavery

c.

Where your force has a distinct policy and / or procedure document relating to different situations for modern slavery, please provide: I. the force policy and procedure document for 'county lines'

II. the force policy and procedure document for 'cannabis houses' III. the force policy and procedure document for 'domestic workers'

3.

We understand that each local police force is required to have a policy and/or procedure that details how they will deal with reports of missing persons. We understand that the policy and procedure documents/guides are distinct items. In particular that a policy document is akin to an overview of the approach a force will take. The procedure document is a detailed operational document. In this request we seek BOTH the policy and procedure documents.

Specifically please provide:

a.

Your force procedure for responding to reports of missing persons b.

Your force policy for responding to reports of missing persons c.

Your force named point of contact and the contact details for reporting missing persons

4. Please confirm:

d.

If your force procedure for responding to reports of missing persons has anything in it specifically relating to missing potential or recognised victims of modern slavery (whether they have not yet been referred into the National Referral Mechanism, whether they are still within it after receiving a positive reasonable grounds decision, or whether they have received a positive conclusive grounds decision)

e.

Your force policy for responding to reports of missing persons specifically relating to missing potential or recognised victims of modern

slavery (whether they have not yet been referred into the National Referral Mechanism, whether they are still within it after receiving a positive reasonable grounds decision, or whether they have received a positive conclusive grounds decision)

f.

Your force named point of contact and the contact details for reporting missing persons specifically if they are a point of contact for missing potential or recognised victims of modern slavery (whether they have not yet been referred into the National Referral Mechanism, whether they are still within it after receiving a positive reasonable grounds decision, or whether they have received a positive conclusive grounds decision)

6. Humberside Police acknowledged the request on 18 February 2022. Humberside Police informed the complainant that a public interest test had to be carried out and that:

“we now aim to deliver your response on or before 28th March 2022.”

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

Scope of the case

8. The complainant contacted the Commissioner on 22 September 2022 to complain about the delay in Humberside Police’s consideration of the public interest test.
9. On 30 September 2022 the Commissioner wrote to Humberside Police reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. To date, a substantive response has still not been provided.
10. The Commissioner has considered whether Humberside Police has complied with its obligations in relation to section 17 of FOIA.

Reasons for decision

11. 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."

12. 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".
13. Section 17(3) of FOIA states that where a public authority is relying on a qualified exemption, it can have a "reasonable" extension of time to consider the public interest in maintaining the exemption or disclosing the information.
14. FOIA does not define how long a reasonable time is. The section 45 Code of Practice on request handling states that "it is best practice for an extension to be for no more than a further 20 working days".¹ This means that the total time spent responding to a request should not exceed 40 working days unless there are exceptional circumstances.
15. In this case, the total time taken by Humberside Police has exceeded 40 working days. The Commissioner does not consider there to be any exceptional circumstances and finds that, by failing to complete its deliberations on the public interest within a reasonable time frame, Humberside Police has not complied with section 17(3).
16. Humberside Police is now required to finalise its public interest considerations under section 17(3) of FOIA and respond to the complainant.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

Right of appeal

17. 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-regulatorychamber

18. 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.
19. 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 Team Manager
Information Commissioner's Office
Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF**