

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2024

Public Authority: Northamptonshire Police, Fire and Crime Commissioner

Address: Wiltshire Police Headquarters
London Road
Devizes
Wiltshire
SN10 2DN

Decision (including any steps ordered)

1. The complainant has requested information from the Police and Crime Commissioner for Northamptonshire (the OPFCC) relating to the vetting process.
2. The Commissioner's decision is that the OPFCC has breached section 10(1) of FOIA by failing to respond to the complainant's further request dated 17 September 2024.
3. The Commissioner requires the OPFCC to take the following steps to ensure compliance with the legislation.
 - Provide a substantive response to the request in accordance with its obligations under FOIA.
4. The OPFCC must take these steps within 30 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 4 September 2024, the complainant wrote to the OPFCC and requested information in the following terms:

"1) What is the industry standard to confirm an individual has passed developed vetting, such as a certificate in line with a DBS check.

2) That such a certificate or evidence was presented and if not, what evidence the then PFCC Stephen Mold viewed to satisfy himself that Nick Adderley had been subjected to developed vetting and had been passed this standard with no issue.

3) Which other members of staff or stakeholders beyond Stephen Mold and the then monitoring officer would need to have seen this evidence (whatever it might have been) to confirm the appointment of Nick Adderley as CC. Please confirm the names of all stakeholders and staff, their then job titles and relationship to Northants OPFCC."

6. The OPFCC responded on 17 September 2024. It confirmed holding the requested information, providing a link to some information and a summary response to the remaining parts of the request.

7. The complainant then made a combined request for information and internal review on 17 September 2024. They did so in the following terms:

"You have included the following hyperlinks but merely copied the text across without any links to the actual documents. Please kindly include working links in the reply.

With regards to points 1 & 2, please clarify the exact documents that were presented as your reply does not expand upon what is already in the public domain and is the subject of dispute, namely that no DV documents exist and Stephen Mold merely signed off that Nick Adderley was subject to DV clearance without being presented with bona fide evidence of this.

PFCC Stephen Mold claims to have seen evidence that Nick Adderley had DV clearance however no evidence of developed vetting being paid for by Staffordshire Police or any completed evidence appears to exist, therefore please clarify exactly what the document was that was seen, the date this was presented to Stephen Mold and if this still exists.

Please also clarify if you have personally seen this document or merely seen a record that Stephen Mold alleges to have seen evidence and signed this off."

8. Although the OPFCC did provide some further links on 17 September 2024, it failed to issue a further response or internal review.

Scope of the case

9. The complainant contacted the Commissioner on 4 November 2024 to complain about the way their request for information had been handled.
10. The Commissioner has considered the requests before him. As the request dated 4 September 2024 did not specify that copies of the recorded information was being sought, he is satisfied that the OPFCC complied with FOIA when responding to the request.
11. The Commissioner will, however, be reviewing the handling of the second request dated 17 September 2024. The Commissioner considers that the scope of his investigation is to consider whether the OPFCC has handled the request made on 17 September 2024, appropriately under FOIA.

Reasons for decision

12. A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.
13. In the circumstances of this case, the OPFCC have not issued a further response to the request made on 17 September 2024, meaning that it has breached section 10(1).
14. The Commissioner now requires the OPFCC to provide a substantive response to the request in accordance with its obligations under FOIA. If the OPFCC have any concerns over the scope of the request, it is required to seek clarification as set out in section 16.

Other matters

15. The Commissioner would like to take this opportunity to remind the OPFCC that it is considered a matter of good practice to conduct an internal review. This review should be completed within 40 working days.

16. In the circumstances of this case, the complainant made an internal review request on 17 September 2024. Unfortunately, the OPFCC did not provide an internal review response. The Commissioner does not consider this to be an example of good practice. Any expression of dissatisfaction with an initial response should be progressed as an internal review request as best practice.

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-regulatory-chamber

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.

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