

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 September 2022

Public Authority: The Office of the Police and Crime
Commissioner for Dorset

Address: Force Headquarters
Winfrith
Dorchester
Dorset
DT2 8DZ

Decision (including any steps ordered)

1. On 11 May 2022 the complainant requested information about specific complaints made against the former Chief Constable of Dorset Police. By the date of this notice the Office of the Police and Crime Commissioner for Dorset had not issued a substantive response to this request.
2. The Commissioner's decision is that the Office of the Police and Crime Commissioner for Dorset 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 the Office of the Police and Crime Commissioner for Dorset to take the following step to ensure compliance with the legislation.
 - The Office of the Police and Crime Commissioner for Dorset must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Office of the Police and Crime Commissioner for Dorset 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 11 May 2022 the complainant wrote to the Office of the Police and Crime Commissioner for Dorset and requested information in the following terms:

“(1) The copy of any record or register that shows that the complaint made against [name redacted] on the 12th March 2019 was recorded as a complaint as required by the Office of the Police and Crime Commissioner.

(2) The date that [name redacted] was interviewed or spoken to with regard to the complaint made against him on the 12th March 2019.

(3) The identity of those who conducted the investigation and or any subsequent interviews with [name redacted] into the complaint submitted against him on the 12th March 2019

(4) A copy of any letter or email be it in written or electronic media informing me of the result of the investigation into my complaint against [name redacted] on the 12th March 2019.

(5) A copy of any register or written record that indicates the result of the investigation into my complaint against [name redacted] showing the result and action taken by the Office of the Police and Crime Commissioner into the complaint against [name redacted] on the 12th March 2019.

(6) I suggest that the investigation was not conducted in an open and transparent manner. I therefore request details as set down in any document, instruction or protocol that sets out the procedures that have to be adhered to in any investigation by the Office of the Dorset Police and Crime Commissioner with regard to complaints made against the Dorset Police Chief Constable.

(7) I request under the Freedom of Information Act 2000 that the Office of the Dorset Police and Crime Commissioner supply me with a copy of any register or written record that shows or indicates the record of any complaint made against [name redacted] with regard to Misconduct in a Public Office after the 1st May 2021 by myself.

(8) I also request under the Freedom of Information Act 2000 that the Office of the Dorset Police and Crime Commissioner advise me as to any action taken and the current position with regard to the investigation of any complaint of Misconduct in a Public Office made against [name redacted] since the 1st May 2021 by myself.”

6. The Office of the Police and Crime Commissioner for Dorset acknowledged the request on 11 May 2022. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 20 July 2022 to complain about the Office of the Police and Crime Commissioner for Dorset's failure to respond to their request.
8. The Commissioner has considered whether the Office of the Police and Crime Commissioner for Dorset has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. 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."
10. 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".
11. On 24 August 2022 the Commissioner wrote to the Office of the Police and Crime Commissioner for Dorset reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the Office of the Police and Crime Commissioner for Dorset has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Office of the Police and Crime Commissioner for Dorset did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Office of the Police and Crime Commissioner for Dorset has breached section 10(1) by failing to

Reference: IC-182312-B8H9



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

14. 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

15. 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.
16. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF