

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 31 October 2022

**Public Authority:** Chief Constable of Durham Constabulary  
**Address:** Police Headquarters  
Aykley Heads  
Durham  
DH1 5TT

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Durham Constabulary about correspondence relating to staff guides for appropriate language, promoting inclusion and diversity and respecting gender pronouns.
2. The Commissioner's decision is that, on the balance of probabilities, Durham Constabulary does not hold information within the scope of the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

#### **Request and response**

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4. On 21 March 2022, the complainant wrote to Durham Constabulary and requested information in the following terms:

"I would like to request the following information via the Freedom of Information Act, and I would be grateful if you could forward the request onto the most appropriate person within the organisation.

Please note that the reference to employees in the questions below should be taken to mean all force employees including but not limited to uniformed officers.

Please redact the names and personal details of all of the force employees from any documents and information disclosed. [...]

1...Does Durham Police currently issue its new employees with any or all of the following....

- A) ...A language guide or similar which advises employees on the most appropriate words, phrases, and terms to use when writing to and or communicating with and or referring to their colleagues and or members of the public and or organisation's clients/customers/service users and or representatives and employees in the organisation's stakeholder and partner organisations. Typically such a guide will outline words, terms and phrases to avoid for whatever reason while providing more acceptable words, terms and phrases. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively, it could be included on the organisation's intranet site and or it could be issued/held digitally and or it could be included in any training/induction video/film.
- B) ...A guide or similar which helps and encourages staff to promote diversity and inclusivity both in the workplace and or in their dealings with members of the public and or in their dealings with employees in and or representatives of the organisation's stakeholders and any partner organisations. The guide will include but will not be limited to advice on best practice when it comes to diversity and or inclusivity and or anti-discrimination policies. It will encourage staff how to avoid discrimination on the grounds of race and or religion and or gender and or sexuality and or age and or disability and or political belief and or social class and or income and or social background. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively it could be included on the organisation's intranet site and or it could be held/issued digitally and or it could be included in any training/induction film/video.
- C) ...A guide or similar which advises staff on the importance of respecting and using a person's preferred gender pronoun. That person could be a colleague and or a member of the public and or one of the organisation's customers/clients/service users and or an employee and or representative of a stakeholder or partner organisation. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively, it could be included on the organisation's intranet site and or it could be held/issued digitally and or it could be included in any training/induction film/video.

2...If you have answered yes to any part (or indeed all of question one) can you please provide copies of the guidance irrespective of the form in which it is issued.

3...Since January 1, 2019, has the organisation issued any kind of guidance (as defined in question 1 a to c) to other employees other than new recruits. If the answer is yes, can you please provide copies of the guidance irrespective of the form in which it is issued.”

5. Durham Constabulary responded on 28 April 2022 and provided some information. It advised that it did not hold further recorded information within the scope of the request.
6. The complainant expressed dissatisfaction with that response on 30 April 2022.
7. Following an internal review, Durham Constabulary wrote to the complainant on 2 August and modified its original decision. It clarified that the information disclosed in its initial response was provided out of goodwill but was not related directly to the request in question. Therefore Durham Constabulary held no information whatsoever in relation to the request.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 12 August 2022, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, Durham Constabulary holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

### **Reasons for decision**

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#### **Section 1 general right of access**

10. Section 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”.

11. The Commissioner has sought to determine whether, on the balance of probabilities, Durham Constabulary holds the requested information.
12. Durham Constabulary has explained that it has conducted repeated electronic system searches of its Intranet system for guidance, policies and procedures that referenced language, equality, diversity and inclusion. It also consulted with the relevant teams that deal with staff training and new recruits to check that it does not hold the requested information.
13. Upon preparing its detailed and considered submission to the Commissioner, Durham Constabulary considered other areas within the force that may hold the requested information and expanded its searches to include these. No recorded information within the scope of the request was found.
14. Durham Constabulary explained that although it provided some information from its Work-based Conduct Policy as part of its initial response, it later determined that this did not fall within the scope of the request. However, at internal review it decided to provide a full copy of the policy document as it felt it may have been useful to the complainant’s research.
15. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by Durham Constabulary, as he has not been provided with any evidence that Durham Constabulary would hold further information.
16. The Commissioner is satisfied that Durham Constabulary has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that Durham Constabulary has complied with the requirements of section 1 of FOIA.

## Right of appeal

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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.

**Signed .....**

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