

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 December 2023

Public Authority: Chief Constable Kent Police
Address: Sutton Road
Maidstone
Kent
ME15 9BZ

Decision (including any steps ordered)

1. The complainant requested information from Kent Police. By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 17 August 2023, the complainant wrote to the public authority and requested information in the following terms:

“Request 1

Number of staff working in Kent Police's Professional Standards Department (PSD). Please break down per ranks, and include the name and position of the officer in the Chief officer team PSD reports to.

Request 2

Number of complaints PSD has dealt with in a 5 year period between 2017-2022. Break down per year.

Request 3

Number of complaints that ended up being referred to the OPCC for a review by complainants unsatisfied by PSD's handling of their complaint in the 5 year period between 2017-2022. Break down per year.

Request 4

Number of complaints that were reopened/reinvestigated following findings by the OPCC in the 5 year period between 2017-2022. Break down per year.

Request 5

What policies and procedures PSD has in place to monitor the effectiveness of its provision, public satisfaction with its work, and the contribution it is making (or is failing to make) to improve policing within Kent Police.

Request 6

Number of complaints that were NFAd without investigation and contact with complainants following complaint submission, and the number of complaints that were upheld following an investigation in the 5 year period between 2017-2022. Break down per year and outcome (when upheld).”

6. On 29 August 2023, Kent Police asked the complainant to provide clarification of request 6 in the following terms:

"When referring to 'outcome' please can you confirm you are requesting whether any disciplinary action was taken?"

7. The complainant provided clarification on 8 September 2023:

"No I am not requesting 'whether any disciplinary action was taken'. I am requesting data about the number of complaints that were upheld. Focusing just on disciplinary actions taken would restrict and distort the data I am seeking, inc. that some upheld complaints will have only resulted in verbal advice given, etc. as opposed to a full disciplinary action.

I need data about the number of upheld complaints, 'service provided not acceptable', etc."

Reasons for decision

8. 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".
9. On 18 November 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to 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

12. 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

13. 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.
14. 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

Roger Cawthorne
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