

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 30 January 2020

Public Authority: Chief Constable of Sussex Police
Address: Malling House
Lewes
East Sussex
BN7 2DZ

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference FS50836015, for a decision whether a request for information made by the complainant to Sussex Police on 10 July 2018, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 10 July 2018 the complainant made the following request for information under the FOIA:

"Please provide the following information concerning the Safeguarding Investigation Unit which deals with cases of abuse, or potential abuse, against adults:

1) When was the Safeguarding Investigation Unit created?

2) How many cases have been referred to it since this date?

3) How many of these were investigated?

4) Is there any breakdown in the figures between males and females being subjected to abuse where abuse has been reported? What are the figures for male, or female, abuse for each of the years so far?

5) What was the outcome of cases reported, or referred, to it? How many of these were taken up with other relevant bodies? How many were then investigated by Sussex Police for criminal offences? Please give the figures for each of the years so far.

6) Have there been any cases referred to the Crown Prosecution Service for prosecution? Please state the number of the cases referred to the CPS for each of the years to date.

7) Have there been any successful prosecutions to date?"

3. Following the Commissioner's intervention, Sussex Police responded on 16 January 2019. It provided the information in scope of part (1) of the request but denied holding the remaining requested information.
4. The complainant requested an internal review on 6 February 2019. He subsequently advised the Commissioner that, despite her intervention, no internal review response had been received.
5. Accepting the complaint, the Commissioner wrote to Sussex Police on 16 May 2019, asking it to revisit its handling of the request for information. Sussex Police was required to respond by 14 June 2019.
6. While Sussex Police did respond, albeit on 19 July 2019, that response did not address all of the issues raised.
7. Following further correspondence, the Commissioner issued the Chief Constable of Sussex Police with an Information Notice (IN) on 1 October 2019. Sussex Police failed to respond to that IN within the required timeframe, ultimately responding on 12 November 2019.
8. Following receipt of that response, the Commissioner contacted Sussex Police, variously by telephone and by email, seeking clarification of its position.

9. The Commissioner accepts that, following those contacts, Sussex Police contacted her on 26 November 2019, 2 December 2019, 12 December 2019, 17 January 2020 and 20 January 2020. However, despite assurances from Sussex Police that "*responses are being prepared*", Sussex Police has failed to provide a satisfactory explanation of its handling of the request.

Information required

10. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that Sussex Police shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - a full response to her correspondence of 12 December 2019, a copy of which is attached to this notice.

Failure to comply

11. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

12. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Gerrard Tracey
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