



Heddlu Police

DYFED-POWYS

FOI Reference: 368/2018

Request:

1. How many members of staff under your policing authority have been suspended from January 2016 onwards, what was the reason for their suspension and what was the outcome of related investigations?

Please lay your answer out in the same way as the following example:

Rank	Length of suspension	Reason for suspension	Verdict	Sanction
Police Officer	Feb 2016 - April 2016	Investigated for sexual relationship with a suspect	Guilty	Underwent further training
Police officer	March 2017 – indefinitely	Investigated for internal fraud	Guilty	Forcibly left the force in May 2017

Response:

Section 1 of the Freedom of Information Act 2000 places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1) (b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 of the Freedom of Information Act 2000 requires Dyfed-Powys Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

I can confirm that Dyfed-Powys Police does hold the information requested; however we are exempting part of that information as we believe that the following exemption applies:

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

The Section 30 exemption is a class-based qualified exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information. However there is a requirement to carry out a Public Interest Test in order to establish whether the public interest in maintaining the exemption may be outweighed by a wider public benefit in disclosure.

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of -

(a) Any investigation which the public authority has a duty to conduct with a view to it being ascertained (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it

Public Interest Test

Considerations favouring disclosure:

In considering the Public Interest Test for the application of the Section 30 exemption, considerations favouring disclosure of the information would be use of public funds in relation to the investigation of such matters as well as accountability and public awareness of the possible improper actions of public officials and satisfaction that such investigations were conducted properly.

Considerations favouring non-disclosure:

This exemption covers information held at any time for the purposes of an investigation, whether the case is ongoing, closed or abandoned. To release details of ongoing investigations as in this case would undermine and prejudice those investigations which would impinge on the alleged offenders' right to a fair trial under Article 8 of the Human Rights Act. This may result in sub-judice and Dyfed-Powys Police being held in contempt of court.

Balancing Test

After considering the advantages and disadvantages in disclosure it falls upon Dyfed Powys Police to conduct a balance test on the issues. The strongest arguments for disclosure which are accountability and public awareness need to be weighed against the strongest arguments for non-disclosure which in this case is that the release would undermine and prejudice those investigations which would impinge on the alleged offender's right to a fair trial under Article 8 of the Human Rights Act and undermining the confidence of the general public.

Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Rank	Total number of individuals suspended
PSCO	1
Police Officer	4
Police Staff	5
<i>Section 30(1)(a) Exemption applied x 2</i>	

Length of suspension
Jan 2016 - Mar 2016
Aug 2016 - Nov 2017
Dec 2016 - Apr 2017
Dec 2016 - Feb 2017
Dec 2016 - Jan 2017
Feb 2016 - Mar 2017
Jan 2016 - Oct 2016
Jan 2017 - June 2017
Jul 2016 - Mar 2017

Oct 2017 - Apr 2018
<i>Section 30(1)(a) Exemption applied x 2</i>

Reason for suspension	Total
Confidentiality	3
Discreditable Conduct	4
Duties and Responsibilities	1
Honesty and Integrity	1
Sexual Assault	1
<i>Section 30(1)(a) Exemption applied x 2</i>	

Verdict	Total
Case to answer	4
N/A	4
No Case to answer	2
<i>Section 30(1)(a) Exemption applied x 2</i>	

Sanction	Total
Dismissed	2
Final written warning	1
N/A	2
N/A (resigned)	4
N/A (retired)	1
<i>Section 30(1)(a) Exemption applied x 2</i>	

It should be noted that as a result of the systems adopted by Dyfed-Powys Police in relation to the recording of such information that the information released may or may not be accurate.