

## FOI Disclosures March 2024

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This month we have responded to questions relating to the following topics:

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- [Investigations regarding officers having relationships with victims of crime](#)
- [Contract for Higher Digital Apprenticeships](#)

If you require a full copy of any of the embedded attachments, please contact [Requestinfo@policeconduct.gov.uk](mailto:Requestinfo@policeconduct.gov.uk) quoting the reference number from the relevant response.

<b><u>Ref</u></b> <b><u>5024708</u></b> <a href="#">Back to top</a>	<b><u>Complaints of discrimination harassment unfair treatment and racism from serving police officers</u></b>
<b><u>Request</u></b>	<p><i>How many complaints of discrimination, harassment, unfair treatment, racism did your organisation receive from serving Police Officers?</i></p> <p><i>How many of these complaints were referred to the originating Police Force for them to investigate locally?</i></p> <p><i>How many of those complaints led to the force then referring the complainant for investigation to the IOPC.</i></p> <p><i>Please could you provide the relevant information over the following time frame 01.01.2015 to 01.02.2024</i></p> <p><i>Does the IOPC currently have a victimisation policy, or safeguards in place, to protect Police Officers making a complaint to your organisation?</i></p> <p><i>Does the IOPC have a policy or safeguards in place to protect the integrity of complainants and prevent Police Organisations from following a course of intimidation and defamation?</i></p>
<b><u>Response</u></b>	<p>Our report line exists for police officers and staff to report concerns of wrongdoing that a criminal offence has been committed, or where there is evidence of conduct that would justify disciplinary proceedings. While we have extracted some details of the calls received on our report line, we have not extracted information from which we can identify the reports received in this eight-year period in relation to discrimination, harassment, unfair treatment or racism. In addition, we do not</p>

always know whether the person making the report is a serving officer, a former officer, a member of police staff or a member of the public.

Nearly all of these reports are sent to the force subject to the consent of the person making the report. As we do not usually ask the police force to confirm how the matter is subsequently handled, we are unlikely in most cases to know whether there is a related investigation. Only when the report is linked to a referral to the IOPC do we decide whether the matter should be investigated and, if it should, whether the investigation should be carried out by the relevant force or the IOPC. As we do not record in a single

location whether a report line contact has resulted in a referral, we would have to carry out separate searches to find out whether a report line contact is linked to a later referral.

Section 12 of the FOIA allows the IOPC to refuse a request when the estimated cost of carrying out certain activities exceeds £450, or 18 hours at £25 per hour. We have recorded over 700 contacts to our report line since 1 January 2015 and we would have to access each of these cases and refer to other information sources to produce the required data. We have estimated that carrying out these searches would exceed the cost limit under section 12 of the FOIA, with the result that we are not obliged to comply.

Our public interest disclosures from 2018/19 to 2022/23 are available on our website here: [Publications Library | Independent Office for Police Conduct \(IOPC\)](#) These confirm that none of the reports made during these years resulted in an IOPC investigation.

There are no IOPC policies that answer this description. [The Public Interest Disclosure Act](#) is designed to protect workers from being dismissed because they have made a protected disclosure, or from otherwise being subjected to any detriment for making a protected disclosure. Section 37 of the Police Reform Act 2002 (PRA) extended this protection to staff serving in the police force.

Our [report line FAQs](#) set out what persons who use the report line can expect.

As the “prescribed person” for the recording of matters relating to the conduct of a person serving with either the police or the other law enforcement bodies under our jurisdiction, the IOPC’s responsibility is not to contribute to any detriment that the person making the report may face by whistleblowing. This means that we cannot simply direct the reporter back to the force without first determining whether the report:

- discloses a complaint, conduct matter or Death or Serious Injury (DSI) matter as defined under the Police Reform Act 2002),
- is a ‘qualifying disclosure’ that constitutes a complaint, conduct or DSI matter, or
- is neither of the above

The IOPC treats the matter as a qualifying disclosure (i.e. one that qualifies as a protected disclosure under the Employment Rights Act 1996) only when the disclosure relates to an incident which could be recorded as a complaint, conduct matter or death or serious injury matter.

	<p>We would emphasise that a matter raised by a serving officer can be recorded as a complaint against police only in the limited circumstances described on our website. The IOPC has very limited involvement in police internal reports of wrong-doing because we have no remit or oversight where the matter does not fall within the police complaint and misconduct procedures under Schedule 3 Police Reform Act 2002.</p> <p>Our procedure for handling report line matters includes, in appropriate cases, an assessment of whether the person's anonymity should be protected and, if so, how. When we forward the report to the force we must only do so with the consent of the officer and to a contact within the force that is not the person who the complaint is about. For example, in a situation where the complaint is against the Head of PSD, the matter should be forwarded to the Deputy Chief Constable. We may share the information with the force without the consent of the reporter in exceptional circumstances where it is necessary to share information in the public interest.</p>
<p><b><u>Ref</u></b> <b><u>5024720</u></b> <a href="#">Back to top</a></p>	<p><b><u>Processing of Subject Access Requests</u></b></p>
<p><b><u>Request</u></b></p>	<p><b>QUESTION 1:</b> <i>Please advise how many Data Subject Access Requests (hereafter referred to as SARs) you received and responded to in 2021, 2022 and 2023 relating to employees (past or present) and other requests (e.g. customers, general public, service users etc).</i></p> <p><b>QUESTION 2:</b> <i>When responding to SARS do you manage the process in-house, or do you outsource the whole or part of the process? And if conducted in house please specify the name of the team/function that is responsible for this part of the process (eg Data Privacy, HR, etc).</i></p> <p><i>If for example you outsource one type of SAR (e.g. employee) but complete others (e.g. citizen/customer) inhouse, please provide details.</i></p> <p><b>QUESTION 3:</b> <i>Approximately how many working hours does it take to pull together a typical SARs response, this includes the time taken to collate and redact the information, and putting the information together for issuing?</i></p> <p><b>QUESTION 4:</b> <i>What is the estimated percentage of handwritten documentation within a typical SAR response?</i></p>
<p><b><u>Response</u></b></p>	<p><b>QUESTION 1:</b> To provide the number of requests relating to employees past and present we have filtered subject access requests according to whether they involved information held by our People and Wellbeing Department (Human Resources). This incorporates subject access requests from employees past and present, individuals who were taking part in an aspiring professionals' programme and external interview candidates from recruitment campaigns.</p>

	Number of SARs requests in 2021	Number of SARs requests in 2022	Number of SARs requests in 2023
Employees (past and present) <i>*Please see caveats above - this covers Human Resource themed SARs which also includes SARs from external interview candidates and participants in the Aspiring Professionals Programme.</i>	Received: 9 Completed:7	Received: 12 Completed:11	Received: 9 Completed:9
Other (e.g. customers, general public, service users)	Received: 170 Completed:106	Received:192 Completed:147	Received: 227 Completed: 171

**QUESTION 2:**

	In house (please specify)	Outsourced
Collating the data (pulling the data together from across your organisation/department),	In house by the Information Rights Team	
Redacting the data	In house by the Information Rights Team	
Pulling the information/ data together into a response	In house by the Information Rights Team	
checking the information before issuing it to the requestor	In house by Information Rights Team, Data Protection Officer and Information Asset Owners	

**QUESTION 3:** We do not record the time taken to complete a SAR in working hours.

We can only provide the average response days for completing SARs for the corresponding years which are as follows:

2021 - 34.6 days

2022 – 35.7 days

2023 - 41.2 days

**QUESTION 4:** We do not have an automated way of searching our systems to respond to this question meaning manual scrutiny of SAR case files would be required to locate and extract any data within scope. Such activities would exceed the cost limit as prescribed by the FOIA and associated regulations by a significant margin with the result that we are not obliged to respond.

<b>Ref</b> <b>5024711</b> <a href="#">Back to top</a>	<b><u>Marc Anthony Cole and Henry Hicks cases</u></b>
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<b><u>Request</u></b>	<p><i>Anything in relation to the case of Marc Anthony Cole, who died in 2017 following contact with Devon and Cornwall Police. This may include but may not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>The IOPC investigation report that concluded in December 2017</i></li> <li><i>Any police force statements</i></li> <li><i>Any related information</i></li> </ul>
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	<p><i>Anything in relation to the case of Henry Hicks, who died in 2014, following a high speed police chase, which may include but not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Two IPCC reports</i> <ul style="list-style-type: none"> <li>• <i>One into the incident of the police chase</i></li> <li>• <i>One into the police dealings with Henry between 2011 and 2014</i></li> </ul> </li> <li>• <i>Disciplinary reports/statements related to the gross misconduct hearing in 2017</i></li> <li>• <i>Any public statements from the police force</i></li> <li>• <i>The CPS response to IPCC following their referral</i></li> </ul>
<p><b><u>Response</u></b></p>	<p><u>Marc Anthony Cole investigation</u></p> <p>As you know, the Mark Cole investigation summary is on our website here: <a href="https://www.policeconduct.gov.uk/our-work/learning/man-dies-after-being-restrained-and-tasered-devon-and-cornwall-police-may-2017">https://www.policeconduct.gov.uk/our-work/learning/man-dies-after-being-restrained-and-tasered-devon-and-cornwall-police-may-2017</a></p> <p>We have decided that you are not entitled to the full report or underlying evidence because it is exempt under sections 30 and 40 of the FOIA.</p> <p>In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p><u>Henry Hicks investigations</u></p> <p>The report of the IPCC investigation relating to the contact between police and Henry Hicks on 19 December 2014 is available here: <a href="#">[ARCHIVED CONTENT] (nationalarchives.gov.uk)</a></p> <p>A summary of the IPCC's findings under this investigation is included in this statement: <a href="#">[ARCHIVED CONTENT] IPCC findings into police actions involving Henry Hicks   Independent Police Complaints Commission (nationalarchives.gov.uk)</a></p> <p>While the IPCC did not publish the investigation report, the Commissioner's formal recommendations are available here: <a href="#">[ARCHIVED CONTENT] Recommendations - Metropolitan police service, February 2017   Independent Police Complaints Commission (nationalarchives.gov.uk)</a></p> <p>We have understood your request for "the CPS response to IPCC following their referral" as relating to the notification from CPS of their full code test decision following the referral from IPCC as confirmed in the <a href="#">statement of 22 October 2015</a>. The IOPC holds this information.</p> <p>We have decided that you are entitled to neither the full report of the second investigation, nor the CPS notification and other evidence held in respect of the first investigation, because this information is exempt under sections 30 and 40 of the FOIA.</p>

	<p>In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>Information about these IPCC investigations is available in the public domain on the National Archives website. In the case of the investigation relating to the police pursuit, this includes the full report with minor redactions. We consider this information to be a proportionate response to the public interest in transparency and accountability, taking into account the competing public interest in preserving the confidentiality of investigations and the persons to whom they relate. There is a strong likelihood that versions of these reports and other documents redacted in line with FOI exemptions would not leave the public any better informed about this case.</p> <p>It is also relevant that these matters were considered at a Coroner’s inquest and, in the case of Henry Hicks, the conduct of four officers was considered by an independent panel at a public hearing.</p> <p>In regard to your request for the CPS decision on prosecution, we would refer you to the <a href="#">CPS legal guidance on disclosure of material to third parties</a>. Under the heading “Communication between CPS and Police – Public Interest Immunity or Legal professional Privilege” the guidance confirms: “Such documents will be protected on public interest grounds, and public interest immunity should be claimed”. This is because allowing access to this material outside of the rules and procedures that apply to the prosecution process would be contrary to the interests of justice by undermining the confidential relationships between the investigating body and CPS that support the effective investigation and prosecution of crime.</p> <p>We have understood your request for “disciplinary reports/statements related to the gross misconduct hearing” as seeking information about the hearing and its findings.</p> <p>Misconduct hearings are established by the Appropriate Authority, not the IOPC, and are run by tribunal panels comprising a Legally Qualified Chair, Independent Member and Senior Police Officer. It is likely that information about this hearing and its outcome, including the Chair’s findings, was published by the Metropolitan Police on <a href="#">this web page</a> (or equivalent at the time). We would recommend that you contact the Metropolitan Police for this information as it is not held in our investigation file.</p> <p>All public statements about the IOPC investigation were issued by the IOPC and are available here: <a href="#">[ARCHIVED CONTENT] Henry Hicks - MPS   Independent Police Complaints Commission (nationalarchives.gov.uk)</a></p>
<p><b><u>Ref</u></b> <b><u>5024715</u></b> <a href="#">Back to top</a></p>	<p><b><u>Investigations regarding officers having relationships with victims of crime</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>Please could you confirm how many investigations the IOPC has overseen regarding police officers who have had relationships with victims of crime in the last year?</i></p>

	<p><i>Could you also please provide this data for the last five years?</i></p> <p><i>How many of these police officers have been sacked for gross misconduct or would have been sacked had they not resigned?</i></p>
<p><b><u>Response</u></b></p>	<p>The work we carry out annually to extract and verify data before it can be published on our website (e.g. under our investigation outcomes or deaths reports) confirms we cannot identify IOPC cases that fall within a certain category without extensive manual searches, unless we have already carried out relevant research or completed a data verification exercise that captures a specific case type. As we have not carried out research on these or similar cases there is no straightforward way of narrowing down our searches. For these reasons, the work involved in identifying, locating and extracting cases that fall within the scope of your request would be highly likely to exceed the FOIA cost limit of £450 (or 18 hours work), with the result that we would not be required to carry out this work.</p> <p>While we could not provide comprehensive data under the terms of your request without exceeding the cost limit, you may find that the information available online, which appears to us to account for most IOPC investigations into this type of misconduct, is sufficient to meet your needs.</p> <p>Most of the cases you are interested in are very likely to fall under the category of abuse of position for sexual purpose (APSP). This is defined as:</p> <p style="padding-left: 40px;">‘any behaviour by a police officer or police staff member, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public’ (National Strategy to address the issue of police officers and staff who abuse their position for a sexual purpose, NPCC (2017))</p> <p style="padding-left: 40px;">This includes: committing a sexual act; initiating sexual contact with, or responding to, any perceived sexually motivated behaviour from another person; entering into any communication that could be perceived as sexually motivated or lewd; or for any other sexual purpose.’</p> <p>Included with this letter are tables containing links to information about criminal and disciplinary outcomes of our APSP investigations published during the years to 31 March 2022 and 31 March 2023. The links relate either to IOPC news releases or, where there was no IOPC release, information published by a media outlet with an IOPC contribution. If you experience any difficulty in accessing the linked information please let us know.</p> <p>We would emphasise that these are the investigations involving APSP for which we have confirmed the criminal or misconduct outcomes. Exceptionally we may not publicise the outcome of a case of this type. In cases where criminal proceedings remain active, we may decide not to issue a contemporaneous press release at the conclusion of disciplinary proceedings. This is to avoid prejudicing the criminal proceedings, although we would normally confirm the disciplinary outcome in any subsequent press release following the conclusion of criminal matters.</p>

Our [investigation outcomes reports](#) for the years 2021/22 and 2022/23 include outcomes of thematic investigations. Thematic cases focus on the issues of most concern to the public and include APSP. In 22/23, 18 officers/staff who had a case to answer for gross misconduct were part of an APSP investigation and in 21/22 there were 41 such officers/staff. As this data relates to the IOPC’s decision on completion of its investigation as to whether an officer or staff member has a *case to answer* for misconduct or gross misconduct, the number who were ultimately subject to a hearing in these years may be different.

As stated on our website, we are reviewing and cleansing our outcomes data and this activity may result in changes to the numbers contained in these reports.

If you require further information about IOPC investigations relating to APSP you may find it helpful to visit the investigation summaries page on our website: [Investigation summaries | Independent Office for Police Conduct \(IOPC\)](#). Applying the filter ‘corruption and abuse of power’ together with the keyword ‘sexual’ produces 26 results at time of writing.

For information about older investigations you may wish to visit an archived version of our website. For example [this page of the version archived on 4 January 2022](#), when filtered by ‘corruption and abuse of power’, produces information about several cases in that category, the majority of which appear to relate to APSP. Unfortunately, the facility to filter results by keyword was not available on our website before it was relaunched in July 2023.

<b><u>Ref</u></b> <b><u>5024733</u></b> <a href="#">Back to top</a>	<b><u>Contract for Higher Digital Apprenticeships</u></b>
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<b><u>Request</u></b>	<p><i>I would be most grateful if you would provide me, under the Freedom of Information Act, details in respect to the contract below.</i></p> <p><i>Higher Digital Apprenticeships:</i>  <a href="https://www.contractsfinder.service.gov.uk/Notice/53760c66-d0fc-4c8e-9f8c-837b6d4611e5">https://www.contractsfinder.service.gov.uk/Notice/53760c66-d0fc-4c8e-9f8c-837b6d4611e5</a></p> <p><i>The details we require are:</i></p> <ul style="list-style-type: none"> <li>• <i>What are the contractual performance KPI's for this contract?</i></li> <li>• <i>Suppliers who applied for inclusion on each framework/contract and were successful &amp; not successful at the PQQ &amp; ITT stages</i></li> <li>• <i>Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date</i></li> <li>• <i>Start date &amp; duration of framework/contract?</i></li> <li>• <i>Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?</i></li> <li>• <i>Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?</i></li> <li>• <i>Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?</i></li> <li>• <i>Who is the senior officer (outside of procurement) responsible for this contract?</i></li> </ul>
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**Response**

	Question	IOPC Answer
1	What <u>are</u> the contractual performance KPI's for this contract?	There are no traditional KPI's, however, the contract is in place to ensure that the apprenticeship provider successfully delivers the relevant apprenticeship standard and provides the necessary support to help the learner complete and pass their end point assessment.
2	Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages • Actual spend on this contract/framework (and any sub lots), from the start of the contract	<p>This requirement was procured via CCS RM3823 – Higher Level Digital - Lot 6a.</p> <p>It was a Direct Award as only QA Ltd was listed under this sub-Lot. Therefore, there weren't any requirements to run further competition.</p> <p>The actual total spend to-date via Levy Fund against this contract is £22,320.78 - payments are taken on a monthly instalment basis.</p>
	to the current date • Start date & duration of framework/contract?	Contract commencement date - 24/02/2020 End date of Call Off Initial Period - 24/02/2023 with a note to allow provision for extension until the last enrolled candidate has completed the training programme. The note reads as follows: <u>"All services which commence prior to the end date of call off initial period will be delivered by the supplier to completion."</u>
3	Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?	Not applicable as it was procured and awarded via Direct Award basis. See above under Q2 answer the CCS framework details.
4	Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?	As stated above, there was a note in the contract to allow provision for extension until the last enrolled candidate has completed the training programme. The note reads as follows" All services which commence prior to the end date of call off initial period will be delivered by the supplier to completion."
5	Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?	The contract has already been extended until 24/02/2026 to support our current enrolled learners and we will not be extending again. We will be conducting a new tender process to ensure both fairness and that we have the best supplier for the apprenticeship standards.
6	Who is the senior officer (outside of procurement) responsible for this contract?	Head of Learning & Talent Development