

## FOI Disclosures August 2019

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

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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>1007780</u></b> <small><a href="#">Back to top</a></small>	<b><u>IOPC Procedure towards Alleged Discriminatory Police Abuse</u></b>
<b><u>Request</u></b>	<p><i>Please send me the procedure IOPC needs to follow to investigate allegations of discriminatory abuse by police forces which is ingrained.</i></p> <p><i>My understanding is that police officers do have a set of professional standards officers must achieve to make them competent for the job. Could you please send me a copy of these set of standards for an Assessment Analyst under the Freedom of information act 2000</i></p> <p><i>Can you please provide any proof of how IOPC regularly reviews the training needs of its staff and always seeks to ensure that they are fully equipped to undertake their roles to the highest standard?</i></p>
<b><u>Response</u></b>	<p>The IOPC publishes guidelines for the handling of allegations of discrimination. These are available on our web site. These guidelines are for police forces but also apply to our investigations and casework decisions. They set the standards that we will apply when we consider allegations of discrimination in our own investigations and when we make decisions on appeals.</p> <p>As our discrimination guidelines are available to you on our web site, we are not obliged to provide this information to you under the FOIA. This is because the information is exempt under section 21 of the FOIA, which applies when the information being requested is reasonably accessible to the applicant without recourse to the FOIA right of access.</p>

The other parts of your request seek information about the training and monitoring of IOPC Assessment Analysts.

While IOPC staff members are not subject to a set of professional standards similar to those that apply to police officers, all of our employees are under a contractual obligation to achieve a satisfactory level of performance. All employees are required to engage in a personal annual performance review which is how performance and capability are assessed at an individual level. The performance of Assessment Analysts is reviewed at regular intervals against a list of objectives, a copy of which is included with this letter in a separate document. A copy of the current job description for Assessment Analysts is also attached.

The IOPC holds detailed policies and process guidance on managing poor performance, should action need to be taken in response to unsatisfactory performance. Copies of these policies can be provided if required.

As with other areas of the IOPC Operations directorate, the work of the Assessment Unit is subject to quality checking internally and, periodically, by our Quality and Service Improvement Team.

In addition to this, our Learning and Development team conducts an IOPC learning needs analysis each year to determine what the learning and development priorities for the year should be. The priorities are agreed by IOPC Management Board, and then transferred into a detailed learning and development delivery plan.

At team/department level, different teams have different approaches to learning and development. Some are part of professional bodies and are required to maintain CPD points to demonstrate continuing professional competence in their field. Other areas of the business, such as investigations, are required to work towards bespoke accredited development programmes which are assessed against occupational standards and awarded by external qualifications providers. The learning and development programmes and approaches are different dependent on the nature of the roles within each team/department.

In regard to the Assessment Unit, our Learning and Development Team completes an annual learning needs analysis and uses this as the basis for designing and delivering training. A copy of the Assessment Unit learning needs analysis for 2019-20 is included with this letter.

Training needs are also assessed on a regular basis with individual staff members.

<p><b><u>Ref</u></b> <b><u>1007786</u></b> <a href="#">Back to top</a></p>	<p><b><u>The Death of George Kay</u></b></p>
<p><b><u>Request</u></b></p>	<p>1. <i>Please provide a copy of all referrals from Cheshire Police relating to the death of George Kay near Runcorn on July 6.</i></p> <p>2. <i>Please provide copies of all casework assessments and MOI decisions in relation to the referrals.</i></p>
<p><b><u>Response</u></b></p>	<p>This information is held by the IOPC. A redacted version of the relevant documents is included with this letter.</p> <p>We have decided that you are not entitled to the redacted information because it engages the exemptions under sections 30 and 40 of the FOIA.</p> <p>In the case of information falling under section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure. Section 40 is an absolute exemption meaning that there is no requirement to consider the balance of the public interest before deciding that the information can be refused</p> <p>Our specific reasons for withholding the information are set out below.</p> <p><b><u>Section 30– Investigations and proceedings conducted by public authorities:</u></b></p> <p>Section 30(1)(a)(i) exempts material “held by a public authority for the purposes of any investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence”.</p> <p>The IOPC is carrying out its own investigation into this case in line with its functions under the Police Reform Act 2002. These include considering whether the investigation report indicates that a criminal offence may have been committed, and referring the report to the Director of Public Prosecutions (DPP) when it does. As the IOPC is required to make these decisions, the information we hold about this investigation falls within the class of information covered by section 30.</p> <p>Section 30 is a ‘qualified’ exemption subject to a public interest test, meaning we must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>Our assessment of the balance of the public interest is as follows.</p> <p><b><u>The public interest in release:</u></b></p> <p>Access to evidence available at the time of referral may assist the public in deciding whether there may be genuine cause for concern about the performance of the police in relation to this incident. This would enable the public to ensure that the matter receives an appropriate degree of public</p>

scrutiny, taking into account the seriousness of the case and the extent to which it may be necessary to hold the IOPC to account for its investigation.

More generally, we accept that there is a legitimate and important public interest in publishing information about an investigation into the conduct of police officers, as this serves to inspire public confidence around the police complaints process. In turn this would serve the public interest in openness and in accountability for decision making and the use of public funds.

**The public interest in refusal of the information:**

There is a considerable public interest in ensuring that investigations, proceedings and prosecutions are conducted effectively. This requires the avoidance of prejudice to law enforcement, protection of witnesses and the need to maintain the independence of the judicial and prosecution processes by preserving the criminal court as the sole forum for determining guilt.

**Balance of the public interest under section 30:**

This investigation is still ongoing. When it is complete, a decision will be made about what information will be released to the public regarding our findings and conclusions. We consider that it would not be in the public interest to disclose information before the matter is concluded as this could cause prejudice to the ongoing investigation. It is well established that confidentiality serves to promote effective investigation by preserving the safe space that can be critical to the investigation and prosecution process.

Furthermore, there is a risk that premature release of information will have the effect of misleading and misinforming the public about the conduct of the police in relation to this incident. Release of this information could result in unwarranted harm or distress to individuals who are personally affected by this matter, including friends and relatives of the deceased, with the result that they may be less likely to cooperate with the IOPC. Premature disclosure could therefore undermine the effectiveness of the investigation by harming confidence and distracting from the work that needs to be carried out.

Release of the evidence that was available to the IOPC at the time of the referral would be unlikely to enable the public to form a fair or balanced view about the significance of the matters under investigation. There is a risk that the release of this material could be misleading without additional details to give true context. We aim to provide the fullest possible account of this matter at the appropriate time.

Taking all of these factors into account we have concluded that the public interest in disclosure is outweighed by the public interest in maintaining this exemption.

**Section 40 – Personal information:**

Section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR). In this case we need to ensure that any personal data is processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.

A number of individuals can be identified from information relating to the investigation including police officers, staff and members of the public.

In assessing the fairness of disclosing personal information under the FOIA it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.

In our view none of the conditions under article 6 of the GDPR would support disclosure of this personal data and any legitimate interest in disclosure could not justify the invasion of privacy and potential distress that would be likely to result. This takes into account the investigative context of this personal data, the importance of respecting the privacy of individuals who are personally affected by this incident and the absence of any of the factors that could justify any subject of the investigation being named. In regard to the naming of police officers under IOPC investigation, we would refer you to our published 'Policy on the naming of police officers and police staff subject to IOPC investigation, appeal assessment or criminal proceedings'.

Furthermore we consider that disclosure of this personal data at this stage would be outside of the reasonable expectations of these individuals and would consequently be unfair.

We have therefore decided that disclosure would breach the data protection principles meaning that the exemption at section 40(2) of the FOIA applies to the personal data we have redacted.



Binder of requested information as disclosed.pdf

**Ref**  
**1007794**  
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**The Investigation into PC Allan Richards**

**Request**

1. *The IOPC report into the failures of West Midlands Police to act upon complaints made against convicted ex police officer Pc Allan Richards.*

	<p>2. <i>If you refuse to release the report then please release the summary of criticisms or recommended actions that the IOPC suggested West Midlands Police must take to ensure that such complaints in future are not disregarded in the same way.</i></p>
<p><b><u>Response</u></b></p>	<p>We hold the report of our independent investigation into concerns relating to the handling of allegations against Allan Richards by West Midlands Police.</p> <p>In regard to the second part of your request, the following statement has been issued to media outlets in response to their enquiries about the findings of our investigation:</p> <p>The IOPC’s investigation, suspended during the police investigation and subsequent Criminal Justice process, followed a voluntary conduct referral from West Midlands Police about the force’s handling of sexual offence allegations against Allan Richards in 2000, 2004 and 2008.</p> <p>Our independent investigation and report was completed in August 2017. Our assessment of the information available was that there was no indication of potential misconduct, and insufficient evidence to make conclusions on any deficiencies during the three police investigations. Some retired and serving police officers and staff were interviewed as witnesses during our investigation. Some other retired officers did not engage with the IOPC (then IPCC) and there is no power to compel them to do so.</p> <p>There is no statutory duty to publish our investigation reports and in the majority of cases final reports are not published. In accordance with the IOPC’s policy on the publication of final report material, we decided not to publish either the investigation report or a summary of the investigation in this case. In part this was because despite the investigation emanating from a conduct referral, there was insufficient evidence in our view to indicate anyone may have misconducted themselves. No officers were identified as subjects to the investigation and no notices were served.</p> <p>Information has been published in the media about the learning that was identified and applied by West Midlands Police as a result of the Allan Richards case, for example, in this report.</p> <p>We have decided that we are unable to release the full investigation report by virtue of the exemptions provided at sections 30(1)(a)(i) section 40(2) and section 44(1) of the FOIA.</p> <p>In the case of information falling within the terms of sections 30(1)(a)(i) we find that the public interest in maintaining the exemption outweighs disclosure.</p> <p>Our specific reasons for withholding the information are set out below.</p>

**Section 30 – investigations conducted by public authorities:**

Section 30(1)(a)(i) exempts material “held by a public authority for the purposes of any investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence”.

The IOPC (formerly IPCC) carried out its own investigation into this case in line with our statutory duty, part of which is to ascertain whether an offence may have been committed and if so, whether it is appropriate to refer the matter to the Director of Public Prosecutions. We conclude therefore that any material held in relation to this matter falls within the class of information covered by the exemption at section 30.

As prescribed by the FOIA, we are required to consider the public interest before refusing information under section 30.

We accept that there is a legitimate public interest in publishing information about investigations into the conduct of police officers, as this serves to inspire public confidence around the police complaints process. In turn this would serve the public interest in openness and in accountability for decision making and the use of public funds.

However the counter argument is that maintaining this exemption preserves the safe space that can be critical to the investigation and prosecution process.

The protection of individuals who co-operate with the police ensures that people are not deterred from making statements or reports by the fear that they may be publicised. Accordingly, confidentiality in these circumstances serves to promote effective investigation. In general these factors mean that preserving confidentiality should normally be maintained in respect of the investigation process and the evidence it produces.

We have also taken into account the sensitivity of the subject matter and the distressing impact on the individuals involved should further publicity be generated as a result of disclosure of this report. This was a major consideration in our decision not to publish an account of this investigation on our web site and continues to be a very significant argument favouring the refusal of this report.

Having considered these arguments and taking into account the information we are disclosing under the second part of your request, our view is that the public interest factors favouring disclosure of any further information are outweighed by the counter arguments in favour of maintaining the exemption in this case.

	<p><b><u>Section 40(2) – personal information:</u></b></p> <p>This exemption provides that personal data about third parties is exempt if disclosure would breach any of the data protection principles, now described in article 5 of the General Data Protection Regulations (GDPR). In this case we need to ensure that any personal data is processed fairly and lawfully in relation to the individuals concerned.</p> <p>A number of individuals can be identified from this material including police officers, and members of the public. Some of the personal information falls into the class of highly sensitive ‘special category data’. We consider that none of the relevant conditions under articles 6 and 9 of the GDPR would support disclosure of these individuals’ personal data and that any legitimate interest in disclosure would not justify the invasion of privacy and potential distress that would be likely to be caused to those persons.</p> <p>We have good reason to believe that disclosure of personal data in the context of this investigation report would cause distress and would be outside of the reasonable expectations of the individuals involved.</p> <p>We have therefore decided that disclosure of personal data in this case would be fundamentally unfair meaning it would breach the data protection principles and the exemption at section 40(2) of the FOIA applies.</p> <p>Section 40 is an absolute exemption meaning that there is no need to consider the public interest.</p> <p><b><u>Section 44 – Prohibition on disclosure:</u></b></p> <p>If disclosure of information is prohibited by any Act of law, then it engages an exemption under section 44 (1)(a) of FOIA.</p> <p>The effect of section 5 of the Sexual Offences (Amendment) Act 1992 (SOA) is that it is an offence to disclose information that may lead members of the public to identify a person against whom a sexual offence is alleged to have been committed. This includes jigsaw identification; that is, information that might, when pieced together with other material, lead to an individual’s identification. Information contained within the investigation report could identify individuals who made allegations of sexual offences, leading us to conclude that disclosure would be prohibited under the terms of the SOA.</p>
<p><b><u>Ref</u></b> <b><u>1007795</u></b> <a href="#">Back to top</a></p>	<p><b><u>IOPC Investigative Report into the Deaths of Kieran Lynch and Jennifer Cronin</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>For the full report of the IOPC investigation relating to the deaths of Kieran Lynch and Jennifer Cronin in Benfleet on 13 March 2018.</i></p>
<p><b><u>Response</u></b></p>	<p>We can confirm that we hold this report but are refusing your request. We have decided that the information engages the exemptions under section 30 and section 40 of the FOIA. We are refusing the report under section 30</p>



after concluding that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Section 40 is an absolute exemption meaning that there is no requirement to consider the balance of the public interest before concluding that the information can be refused.

Our specific reasons for withholding the report are as follows.

**Section 30– Investigations and proceedings conducted by public authorities:**

Section 30(1)(a)(i) exempts material “held by a public authority for the purposes of any investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence”.

The IOPC carried out its own investigation into this matter in line with its functions under the Police Reform Act 2002. These include considering whether the investigation report indicates that a criminal offence may have been committed, and referring the report to the Director of Public Prosecutions (DPP) when it does. As the IOPC was required to make these decisions, the information we hold about this investigation falls within the class of information covered by section 30(1)(a)(i).

Our assessment of the balance of the public interest is as follows.

**The public interest in release:**

We accept that there is a legitimate and important public interest in publishing information about an investigation into the conduct of police officers, as this serves to inspire public confidence around the police complaints process. The public interest in this case arises from concerns that Essex Police may have missed opportunities to prevent the murder of Jennifer Cronin.

In addition, the release of a fully detailed account of this case may assist the public in deciding whether the IOPC’s investigation was sufficiently rigorous.

Disclosure would also serve the public interest in openness and in accountability for decision making and the use of public funds.

**The public interest in refusal of the information:**

As confirmed in guidance from the Information Commissioner’s Office, section 30 is designed to protect the independence of the judicial and prosecution processes by preserving the criminal court as the sole forum for determining guilt.

There is considerable public interest in ensuring that investigations, proceedings and prosecutions are conducted effectively. This requires the avoidance of prejudice to law enforcement, protection of witnesses and a need to maintain the independence of the judicial and prosecution processes by preserving the criminal court as the sole forum for determining guilt. Maintaining this exemption preserves the safe space that can be critical to the investigation and prosecution process.

These considerations persist even after the conclusion of an investigation or prosecution so as to take into account the interests of justice and fairness that the criminal process is designed to uphold. This means that there may be good reasons to preserve the confidentiality of at least some of the details of an investigation and that the public interest in the non-disclosure of evidence gathered by a completed investigation is likely to increase with the passage of time.

It is also necessary to consider the potential impact of further publicity on the well-being of persons who may be connected with the matters under investigation, especially where those persons are the victims or survivors of offences.

**Balance of the public interest under section 30(1)(a)(i):**

As you may be aware, a detailed investigation summary has been published on our web site.

We consider that the published summary strikes the correct balance between the competing factors favouring refusal or disclosure because it represents a meaningful account of the scope of our investigation and describes the facts found. The level of detail contained in the summary is proportionate to the seriousness of the matters in question and the outcome of the case, while also recognising the importance of maintaining confidentiality in investigations and avoiding any distress to the individuals involved should further publicity be generated as a result of the disclosure of this report.

For these reasons, we conclude that the public interest in disclosure of the remainder of the report does not equal or outweigh the public interest in maintaining the exemption. Accordingly, we are refusing this information in reference to section 30(1)(a)(i).

**Section 40 – Personal information:**

Section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR). In this case we need to ensure that the personal data in the report is processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.

	<p>In assessing the fairness of disclosing personal information under the FOIA it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. These considerations are particularly pressing in relation to the relatives of the deceased. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.</p> <p>In our view none of the conditions under article 6 of the GDPR would support disclosure of this personal data and any legitimate interest in disclosure could not justify the invasion of privacy and potential distress that would be likely to result. This takes into account the investigative context of this personal data, its sensitivity for the relatives of Jennifer Cronin, and the absence of any of the factors that could justify any subject of the investigation being named, as identified in the published IOPC Policy on naming of police officers and police staff.</p> <p>We have decided, therefore, that disclosure of this personal data would breach the data protection principles meaning that it is exempt under section 40(2) of the FOIA.</p>
<p><b><u>Ref</u></b> <b>1007799</b> <a href="#">Back to top</a></p>	<p><b><u>Content of IOPC Files Passed to CPS</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>In the years 2017 and 2018 from 1.1.2019 until 24.07.2019</i></p> <p><i>How many files have you passed to the CPS which:</i></p> <ul style="list-style-type: none"> <li>• <i>A: Resulted in a conviction for any offence</i></li> <li>• <i>B: Resulted in a Acquittal</i></li> <li>• <i>C: Resulted in No further action ( charges not authorised)</i></li> <li>• <i>D: Charging Decision Pending</i></li> </ul> <p><i>How many times have you directed forces to hold misconduct hearings which</i></p> <ul style="list-style-type: none"> <li>• <i>A: Resulted in a case found proved</i></li> <li>• <i>B: Resulted in a case not being Proved</i></li> <li>• <i>C: The force refused to hold a misconduct hearing</i></li> </ul>
<p><b><u>Response</u></b></p>	<p>Having considered your request I can confirm that the IOPC holds the information required.</p> <p>The information we hold is about the individuals subject to an investigation. There can be a number of individuals subject to an individual investigation. The information is recorded on an IOPC database known as the Outcomes Tracker. This information is recorded manually by operational staff, we are aware of a number of issues surrounding the completeness of data recorded on this tracker, therefore the data provided should not be considered definitive and should be used for illustrative purposes only.</p>

The information provided is the latest available and is subject to change. It should be noted that in more recent cases we may not hold information because the relevant processes, such as disciplinary proceedings, have not yet taken place.

All dates referred to below are the period the investigation was completed. Proceedings may have taken place during the period you have requested but for investigations completed outside of this period.

**Referrals to CPS and decision by CPS to prosecute:**

The test we apply for referral to the CPS is set out in the Police Reform Act. Paragraph 23, Schedule 3 of the PRA:

- (2A) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.
- (2B) The second condition is that-
  1. The circumstances are such that, in the opinion of the Director General, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
  2. Any matters dealt with in the report fall within any prescribed category of matters.

When we find evidence of possible criminality, we will make a referral to the Crown Prosecution Service (CPS) who will then decide whether to prosecute or not.

Between 1 January 2017 and 24 July 2019, the IOPC made a referral to the CPS as part of 109 Independent Investigations, a total of 153 individuals were referred.

Period investigation completed	Investigations with CPS referral	Individuals referred to CPS
2017	64	101
2018	28	33
2019 to 24 July	17	19

The CPS will then decide whether there is a case for criminal proceedings and if so whether they will prosecute or not. The CPS made a decision to prosecute sixteen individuals from fourteen investigations.

Period investigation completed	CPS to prosecute		CPS not to prosecute	
	Investigations	Individuals	Investigations	Individuals
2017	14	16	52	85
2018	5	5	20	22
2019 to 24 July	3	3	8	10

A considerable period of time can elapse between referrals to the CPS and their decision, a prosecution decision is still pending for twelve individuals (nine investigations).

A further significant period of time can elapse between CPS decision and trial. At the time of writing, we do not hold information on the outcomes of trial relating to three subjects (from three investigations)

The outcome of trials relating to investigations completed between 1 April 2017 and 24 July 2019 is as follows:

Period investigation completed	Guilty		Not Guilty (or criminal case discontinued)	
	Investigations	Individuals	Investigations	Individuals
2017	6	6	8	10
2018	2	2	1	1
2019 to 24 July	1	1	1	1

**Instructions to forces to hold disciplinary proceedings following Independent Investigation:**

At the conclusion of an IOPC independent investigation, we can make a finding that an individual under investigation (subject) may have a case to answer for Misconduct or Gross Misconduct. In these instances we can instruct that the relevant police force hold disciplinary proceedings to decide if the case to answer is proven. If the force disagree with our findings we can make a formal recommendation or, ultimately, direct them to hold such proceedings.

To be clear, we are aware the data we hold represents an incomplete picture. We have considerable work underway internally to address this, so we are presenting you the information we hold and have outlined before the gaps in our data. Therefore use these numbers with caution as they do not represent a full and reliable picture.

Following an IOPC direction, the appropriate authority are required to hold disciplinary proceedings:

Period investigation completed	IOPC directions made	
	Investigations	Individuals
2017	7	8
2018	3	4

No directions have yet been made for investigations completed in 2019.

At the time of writing, nine Gross Misconduct Hearings are yet to be held – these relate to two independent investigations (both completed in 2017)

Proceedings have been held for twelve individuals following an IOPC direction and this is broken down as follows:

Period investigation completed	Gross Misconduct proven		Misconduct proven		No Misconduct proven	
	Investigations	Individuals	Investigations	Individuals	Investigations	Individuals
2017	2	2	2	3	3	3
2018	1	1	3	3	0	0

We have identified 181 investigations where information relating to IOPC directions cannot be identified. We estimate that identifying this information through manually checking supporting documents on our case management system would take approximately 30 hours to complete, based on an average of 10 minutes to locate, review and retrieve the details of each relevant case. To provide this information would breach the cost limits and therefore, the IOPC is not obliged to comply with this part of your request. Considerable work is underway to address this issue internally. We are therefore hopeful that this data can be produced in the future, and we aim to publish this information in due course.

I trust you will find this information useful. More information about the role of the IOPC can be found in the IOPC Annual Report (2018/19). This can be found on the IOPC website using the following link:

<http://www.policeconduct.gov.uk/page/annual-report-and-plans>

**Ref**  
**1007817**

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### **Date and Time of Clare's Law Search Referral**

**Request**

*The date and time of receipt of a referral made by Wiltshire Police Professional Standards Department relating to Clare's Laws searches on an individual.*

**Response**

We can confirm that the referral was received by the IOPC at 15:59 on 29 April 2019.

**Ref**  
**1007810**

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### **Officer Disciplinary Regulations in Operation Midland**

**Request**

*The disciplinary regulations for former officers as referred to in an IOPC media statement about Operation Midland.*

**Response**

Section 21 of the FOIA exempts a public authority from the duty to supply information which is reasonably accessible to the requester by other means. We find that the information you have requested falls into this category because it is available on our website.

The IOPC's position statement is available here. This sets out the procedure and the factors that must be considered when deciding whether it is reasonable and proportionate to bring disciplinary proceedings against

	<p>an officer who retired or resigned more than 12 months before an allegation amounting to gross misconduct came to light.</p> <p>The legislative context for this position statement is the Police (Conduct, Complaints and Misconduct, and Appeal Tribunal) (Amendment) Regulations 2017 which came into force on 15 December 2017, as referred to in our media statement.</p> <p>These regulations are also reasonably accessible to you via the <a href="http://legislation.gov.uk">legislation.gov.uk</a> website and can be found here.</p>
<p><b><u>Ref</u></b> <b><u>1007827</u></b> <a href="#">Back to top</a></p>	<p><b><u>IOPC Software</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>Could I please ask the following questions relating to your software systems:</i></p> <p><i>Finance system:</i></p> <ul style="list-style-type: none"> <li>•Who is your current provider?</li> <li>•When does the contract expire, and do you have extension options?</li> <li>•What is the value of the contract?</li> <li>•What modules do you use e.g. general ledger?</li> <li>•What is your budget?</li> <li>•When did the contract start?</li> </ul> <p><i>Procurement system:</i></p> <ul style="list-style-type: none"> <li>•Who is your current provider?</li> <li>•When does the contract expire, and do you have extension options?</li> <li>•What is the value of the contract?</li> <li>•What is your budget?</li> <li>•When did the contract start?</li> </ul> <p><i>Invoicing:</i></p> <ul style="list-style-type: none"> <li>•What is your current invoice process?</li> <li>•Do you have an electronic invoicing system in place?</li> <li>•If so, when does this expire and is there extension options?</li> <li>•Who is the current provider?</li> <li>•What is the value of the contract?</li> <li>•What is your annual paper usage?</li> </ul>
<p><b>Response</b></p>	<p>You asked a number of questions about our finance, procurement and invoicing systems and we have addressed each one in turn.</p>

	<p><b><u>Finance system:</u></b></p> <ul style="list-style-type: none"> <li>• Unit4 Business World procured via G-Cloud services.</li> <li>• The contract expires on 31 July 2021. There is a provision to extend a further 24 months (1+1).</li> <li>• This information is commercial in confidence and as such is exempt by virtue of an exemption at section 43(2) of the FOIA. Our specific reasons for refusal are set out in an annex to this letter.</li> <li>• This is an ERP system, the main modules we use are General Ledger, Assets, Transactions, Budgeting, Project Accounting, Expenses, Financial Information Centre, Electronic invoices, Knowley, Purchase Orders.</li> <li>• £160,000</li> <li>• 14 July 2019</li> </ul> <p><b><u>Procurement:</u></b></p> <p>The IOPC does not use a specific system for procurement as we procure for our services via Crown Commercial Services (CCS) Frameworks using their eSourcing tool or via CCS G-Cloud services.</p> <p><b><u>Invoicing:</u></b></p> <p>The invoicing system is included in the Unit 4 Business World contract described under Finance system.</p> <ul style="list-style-type: none"> <li>○ Unit 4 Business World</li> <li>○ Yes</li> <li>○ As described under Finance system</li> <li>○ As described under Finance system</li> <li>○ As described under Finance system</li> <li>○ Less than 1 ream per quarter on invoicing</li> </ul>
<p><b><u>Ref</u></b> <b><u>1007811</u></b> <a href="#">Back to top</a></p>	<p><b><u>Casework Referrals Operation Optic</u></b></p>
<p><b><u>Request</u></b></p>	<p>1. <i>Please provide copies of all referrals from Northumbria Police in relation to Operation Optic.</i></p> <p><i>Please provide copies of all casework assessments and MOI decisions in relation to the referrals.</i></p>
<p><b><u>Response</u></b></p>	<p>We have checked our records and can confirm that the IOPC has not received any referrals relating to Operation Optic.</p>