

25th September 2018

Freedom of Information Request – Reference No:20181459

REQUEST

I am writing to you under the Freedom of Information Act 2000 to request the following information:

- 1) How many officers have been suspended on full pay in each of the past five years 2013, 2014, 2015, 2016, 2017*
- 2) How much was paid in total to suspended officers in each of those years?*
- 3) What was the longest suspension recorded in the past five years?*
- 4) What was the broad misconduct reason for that suspension and the rank of the officer?*
- 5) How many officers do you currently have suspended on full pay?*

CLARIFICATION

South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/suspended-officers-ref-20171427/>

FROM THE REQUESTER

Thank you for your note. I have re-written the request to take account of data already published and to hopefully make my request clearer.

1)How many officers have been suspended on full pay for the financial year 2017-18? Please provide details of the officer's rank, reason for suspension and outcome of suspension. Please say if any officers' suspension in 2017-18 also appears in a previous year/year's data.

2) How much was paid in total to suspended officers in 2017-18?

3) What was the longest suspension recorded between April 2013 and March 2018? Can you please give the figure in working days if possible or state whichever alternative measure you are using. Please say the reason for the suspension, the rank of the officer and how much was paid to the officer during their suspension and the outcome of the suspension, if any.

4) How many officers do you currently have suspended on full pay? Please provide details of each officer's rank and reason for suspension.

RESPONSE

I approached our Complaints & Discipline department for assistance with this request. Whilst we hold the information, I cannot provide it to you in full at this time.

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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).

The following exemptions will be engaged:

**Section 31(2) (b) - Law Enforcement
Section 40(2) – Personal Information**

Section 40(2) - Personal Information

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption.

Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. Although not explicitly naming individuals, the cumulative effect of publishing suspension details, rank, reason and outcome may lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

Section 31(2) (b) - Law Enforcement

HARM

It would be harmful to release information into the public domain, of ongoing cases relating to alleged misconduct of employees. The release of further details due to the relatively recent date parameters may be likely to compromise such investigations and ultimately the right for a fair and transparent hearing.

PUBLIC INTEREST TEST

Section 31 – Favouring non- Disclosure

- The public would have a better understanding of the circumstances surrounding police complaints/misconduct/suspensions.

Section 31 – Favouring disclosure

- If allegations are still being investigated, the disclosure of such information into the public domain may mean the investigation is prejudiced.

- Any disclosure of information relating to an ongoing investigation would compromise the right for an individual to have a fair hearing and more importantly the rights of a complainant for a resolution

Balancing Test

The principle of the Freedom of Information Act 2000 is to make public bodies more open and accountable and to help people to understand how public authorities carry out their duties. A response under Freedom of Information is essentially a response to the world as questions and responses are routinely published on our website

I am fully aware of the need for Public Authorities to demonstrate a level of openness and transparency, and I am prepared to release certain data which in my opinion do not engage the exemptions above.

RESPONSE

A Team Leader within Complaints & Discipline has provided the following.

- 1- PC x2
Sergeant and above x2

Resigned x1
Restricted Duties x1
Retired x1
Written Warning x1

- 2- As advised previously in the clarification:
The Payroll Manager was able to advise that they do not keep a register of suspended officers.

Therefore in this case under the FOI Act our response to these particular questions would be one of "No Information Held"

- 3- 531 days – Constable
- 4- Constable x 3
Sergeant and above x1