

Mark Leech
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data.access@justice.gov.uk

27 July 2020

Dear Mr Leech

Freedom of Information Act (FOIA) Request – 200602003

Thank you for your request dated 2 June in which you asked for the following information from the Ministry of Justice (MoJ):

- 1. Can I please have a copy of the Report of the Investigation launched by the Chief Executive of HMPPS into the case of Ben Plaistow a year ago?**
- 2. Can you tell me how many of those staff named and criticised in the Employment Tribunal judgements set out below, are still employed by HMPPS?**

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information that you have requested. However, we consider that the information requested in the first part of your request is exempt from disclosure under section 38 (1) (b) of the FOIA, because it would prejudice the health and safety of an individual. It is acknowledged that HMPPS has previously indicated an intention to publish the report. However, since your original request we have further considered the effects of releasing this information into the public domain and consider that the information should not be released at this time for the reasons set out below.

Section 38 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The publication of the report would not just be in support of the public interest in transparency but also a route to showing the way that HMPPS has responded to the findings of the Employment Tribunal. The public interest is not insignificant in this case, especially given the nature of the findings of the Employment Tribunal.

Public interest considerations favouring withholding the information

- In considering the implications of releasing the information, a real and significant risk of endangerment to the mental health of an individual has been identified.

On balance, I consider the public interest favours withholding the information at this time.

I am, however, able to respond to the second part of your request. In the interest of clarity, we have considered all of the individuals named in paragraph 17 of the Employment Tribunal judgement, and 14 of them remain in the employ of HMPPS.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.25, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Rob Mitchell
HMPPS Briefing and Correspondence Team