

Penelope Gibbs
request-454722-dfcd3c9c@whatdotheyknow.com

17 May 2018

Dear Ms Gibbs

Freedom of Information Act (FOIA) Request – 180424001

Thank you for your request dated 24 April 2018 in which you asked for the following information from the Ministry of Justice (MoJ):

I would like data (if available) on the court disposals received by those convicted in magistrates' courts of domestic abuse offences, broken down by type of disposal. Also, if the information is available, I would like information on the numbers and proportions of perpetrators (convicted in the magistrates' court) whose sentence included a behaviour management component - a perpetrator programme or similar.

I would like data for the last five years, if available

Your request has been handled under the FOIA.

I can confirm the MoJ holds all of the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Centrally held information on convictions does not identify whether or not an offence which could be interpreted as abuse was committed in a domestic context, nor whether a sentence included a behaviour management component.

We believe that the cost of courts in England and Wales reviewing individual case files to establish which offences could be considered domestic abuse and which sentences included a behaviour management component would exceed the appropriate limit, as this specific information is not held centrally by MoJ. Consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, requesting the number of convictions for specific offences as defined in statute without specifying that an offence was committed in a domestic context. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply. You may find it useful to consult published legislation in order to identify the specific offences of interest to you at the below link:

<http://www.legislation.gov.uk/>

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/uksi/2004/3244/pdfs/ukxi_20043244_en.pdf

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.gsi.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 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

Kunjal Amin
Justice Statistics