

J E Garner
request-681520-8fbf8e41@whatdotheyknow.com

data.access@justice.gov.uk

19th August 2020

Dear J E Garner,

Freedom of Information Act (FOIA) Request – 200803020

Thank you for your request dated 3rd August, in which you asked for the following information from the Ministry of Justice (MoJ):

In June 2019 Judge Ord condemned the MoJ/HMCTS for the conduct throughout the Employment Tribunal case of Mr Ben Plaistow as vexatious, disruptive and unreasonable, and that they had “placed themselves above the rules” to mislead Mr Plaistow and the Tribunal. In addition documents had been corrupted and even forged, widely reported in the press at the time. Apparently in June 2019 a “separate internal review is ongoing”.

- 1 - Please confirm the outcome of the internal review;***
- 2 - Please provide details of all HMCTS departments which were involved in the "corrupted and forged documents";***
- 3 - Please provide details of employees (their position/status not name) at any level who were disciplined and/or dismissed as a result of the HMCTS internal review;***
- 4 - Please provide details of if and when the "forgery of documents" was/will be referred to the police for consideration of prosecution for the criminal offence of forgery;***
- 5 - Please provide the total number of complaints received by HMCTS in connection with the allegations of forgery of documents (of any type) for the previous 5 years, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2018-2019.***

Your request has been handled under the FOIA. We have interpreted your request to be for information held by HM Prison & Probation Service (HMPPS), as opposed to HM Courts & Tribunals Service (HMCTS), as this is the part of the MoJ your request relates to.

I am unable to confirm if the MoJ holds the information you have requested in Question 5 within the cost limit. Section 12(2) 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. Where section 12 applies to one part of a request we refuse the entire request under section 12 (cost), as advised by the Information Commissioner's Office.

To determine whether we hold the information requested in Question 5, we would be required to contact each prison and probation area to assess each complaint they have

received in the timeframe specified to determine whether it relates to allegations of forgery of documents. This would be a very time consuming exercise and would significantly exceed the 24 hour cost limit, as defined in section 12(2) of the Act. 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, reducing the time period you are asking and stating whether you are requesting this information in relation to staff, prisoners or service users in the community. You could also state what areas you are most interested in to limit the search. You may also consider asking for the number of allegations of falsification of documents specifically raised in Employment Tribunals by staff. 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.

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/ukxi/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.gov.uk

Disclosure Team, Ministry of Justice

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

L. Picton
HMPPS Briefing & Correspondence Team