

Charles Arnold
request-776056-bb297eaf@whatdotheyknow.com

data.access@justice.gov.uk

17 August 2021

Dear Mr Arnold,

Freedom of Information Act (FOIA) Request – 210721023

Thank you for your email of 21 July 2021 in which you asked for the following information from the Ministry of Justice (MoJ):

My request relates to Birmingham local authority area only, however if you figures do not breakdown on local authority borders then please provide the closest match (e.g. west midlands) If reporting does not allow this level of information to be retrieved within the cost limit for an FOI then please provide what you can within the time, starting with the most recent year.

- 1. How many offenders receiving a service under the probation service have been housed in Exempt Accommodation in each of the last 5 years? Please provide this as a total number and as proportion of overall numbers***
- 2. How many offenders receiving a service under the probation service who have been housed in Exempt Accommodation in each of the last 5 years have reoffended? Please provide this as a total number and as proportion of overall numbers***
- 3. Please provide a copy of any reports\studies\documents the NPS has carried out or commissioned on the impact of Exempt Accommodation on the service.***

Your request has been handled under the FOIA. For ease of reference, I have numbered the parts of your request.

I can confirm MoJ only holds the information requested at question 3. 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.

Where section 12 applies to one part of a request we refuse all of the request under the cost limit as advised by the Information Commissioner's Office.

We believe that the cost of locating, retrieving and extracting the information at question 3 i.e. *a copy of any reports\studies\documents the NPS has carried out or commissioned on*

the impact of Exempt Accommodation, would require we contact 12 regions and relevant central units to conduct a search of any previous commissions/documents/research etc specifically on the impact of Exempt Accommodation. We are satisfied the cost of this exercise will exceed the appropriate FOIA limit. 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, refining your request at question 3 to 'Reports or studies Midlands NPS has carried out or commissioned on the impact of Exempt Accommodation on the service'.

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.

In relation to questions 1 and 2, I can confirm MoJ holds no information within its offender accommodation records able to answer your specific questions. 'Exempt Accommodation' is defined as a type of Supported Housing provided by LHAs. However not all Exempt Accommodation is Supported Housing and not all Supported Housing is Exempt. As such, neither our data nor our supervision notes could reveal if a given offender was in an Exempt Accommodation. It is for this reason we hold no information in scope of questions 1 and 2.

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

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.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,

**Data and Evidence as a Service (DES),
Ministry of Justice**