

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

Ermine Amies – by email

Date: 26th February 2021

Your ref: FOI

Our ref: FOI 2021 / 008

Reply contact name is: Nick Penny

Dear Ermine,

I write in connection with your request for information dated 4th February 2021 concerning Stonewall / Stonewall Diversity Champions.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested in its entirety.

You wrote:

Please provide any information that you hold answering to any of the following descriptions:

1. Any application you made in 2019 or 2020 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.
2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.
3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).
4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).
5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.



INVESTOR IN PEOPLE

6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

Our response:

The information that you are requesting for Question 3 of your request is exempt under Section 30 - Investigations and proceedings carried out by Public Authorities.

Section 30 is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in respect of disclosure.
Please see below for the full application of Section 30.

Overall harm in disclosure

During 2020, Wiltshire Police has been in contact with Stonewall with regards to seeking advice in respect of policy updates being undertaken by the Force, most notably around our Transgender Policy. This remains an ongoing piece of work.

If Wiltshire police were to disclose any information in respect of this piece of work before it is finalised it could be highly prejudicial to the successful implementation of this policy and as a consequence, it could potentially put individuals at increased risk whilst also undermining any trust or confidence individuals (and Partner Agencies) have in the Police Service.

Public Interest in Favour of Disclosure – Section 31

Disclosure of the information you request would enhance public knowledge about how Wiltshire Police manage Diversity – the public has a right to know where the resources of Wiltshire Police are focused. Additionally, disclosure would offer greater transparency on the subject matter and enable the public to scrutinize our Policies and ensure that all individuals are treated in the same manner irrespective of their race / colour / sexual orientation / religious status and so on.

Public Interest in Favour of Non Disclosure – Section 31

Disclosure of the ongoing discussions that are being had with Stonewall regarding the content and amendments proposed to our Transgender Policy would seriously compromise the effective development of this Policy update.

If this information were in the public domain, this and any future Policy amendments of a similar nature could be seriously undermined, with disclosure identifying – amongst other things - the current limitations or inconsistencies in the existing policy and strategies of the police.

This in turn would compromise Wiltshire Police's ability to carry out its core duties and it could also affect the ability of our partner agencies to engage with Wiltshire Police in confidence. In addition to this, disclosure would likely affect the confidence of members of the public to report matters to the police and to willingly engage with us if ongoing development work around policy was placed in the public domain prior to it being finalised.

Balancing test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and the residents that live within it. Whilst there is a public interest in the transparency of policing operations and investigations and providing assurance that

the police service is appropriately and effectively protecting the public from both criminals and discrimination, there is a very strong public interest in safeguarding policing strategies and this will only be overridden in exceptional circumstances.

The Police Service relies heavily on the public providing information to assist in criminal investigations and has a duty to protect and defend vulnerable individuals. The public has an expectation that any information they provide will be treated with confidence. Anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

In addition, the effective delivery of operational law enforcement and the safety of individuals is of paramount importance to Wiltshire Constabulary, as is their duty to ensure that the prevention and detection of crime is carried out, the effective apprehension or prosecution of offenders is achieved and public confidence is maintained.

In this instance, the public interest firmly lies in favour of non-disclosure of the information requested.

In respect to the remainder of your request, the answers to your other questions are as follows :-

Question 1

Wiltshire Police have not made any applications in 2019 or 2020 although we do have a Stonewall membership.

Question 2

Not applicable.

Question 4

NO EIA have been carried out.

Question 5

£2,500 pa

Question 6

Wiltshire Police intend to retain our membership with Stonewall going forwards, although the type of membership held will always be under consideration.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire 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 exemption applicable to the information requested is:

Section 30 Investigations and proceedings carried out by Public Authorities

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk