



**WEST YORKSHIRE
POLICE**

Information Management

Freedom Of Information

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Our ref: 7223/20

Date: 29/01/2021

Dear T. Mangham,

Thank you for your request for information, received by West Yorkshire Police on 15/12/20.

You requested the following information:

I was hoping that, in accordance with the Freedom of Information Act, you could provide me with the following details/information:

- WYP's current internal policy on diversity in the workplace

West Yorkshire Police have several policies in place with regards to diversity and inclusion in the workplace. A number of these policies are currently under review with the intention of being made publicly available in the future, therefore, at the current time this information is exempt by virtue of Section 22 – Information Intended for future publication.

Please see Appendix A for the full legislative explanation.

The following policies are currently available on the West Yorkshire Police website, along with others, see the link below:

- Disability
- Code of Conduct
- Family Friendly policies such as maternity leave and pay, shared parental leave, maternity support leave and adoption leave

<https://www.westyorkshire.police.uk/about-us/policies-and-procedures/policies/human-resources>

- WYP's current internal policies on bullying in regards to gender, sexual orientation and race

West Yorkshire Police has two main policies with regards to bullying which include

- Police staff/officer code of conduct/discipline
- Grievance

These can also be found via the above link.

Further information regarding West Yorkshire Police diversity, equality and inclusion can be found via the below link, including the West Yorkshire Police diversity, equality and inclusion strategy:

<https://www.westyorkshire.police.uk/about-us/inclusion-and-equality/diversity-equality-inclusion>

- Latest figures on employee diversity within WYP

Figures for Police Officers broken down by Force, gender and ethnicity can be found online via the below link:

<https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2019>

- Any and all data from the last decade on any disciplinary action towards WYP employees in regards to bullying or harassment due to diversity, race, gender or sexual orientation.

Please see the attached document.

Note the recording process changed during 2016, therefore the tables of information represent this.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above, in any future correspondence.

Yours sincerely,

Emily Dawson
Disclosure Officer.

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities, to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain. Information is granted to one person under the Act, it is then considered public information and must be communicated to any individual, should a request be received.

DECISION

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-

- (a) States the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

The reason that we are unable to provide you with this information is covered by the following exemption:

Section 22(1) Information Intended for future publication.

“(1) Information is exempt information if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
- (b) the information was already held with a view to such publication at the time when the request for information was made, and*
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph”*

This is a qualified and class-based exemption and as such a public interest test is required.

Factors favouring disclosure

Openness and accountability of public authorities is of significant importance hence the commitment to disclose this information. Disclosure would provide the public with a more up to date representation which in turn would allow more accurate and relevant public debate.

Factors favouring non-disclosure

West Yorkshire Police publish their policies on the website making them accessible to the public, this intention to publish the requested information was made prior to receiving this request.

West Yorkshire Police are currently carrying out ongoing work in order for this publication to be made. To disclose any form of draft work would lead to a misinterpretation of the partial information and not allow for a well-informed public with up to date information on West Yorkshire Police diversity, equality and inclusion policies.

At this time it would not be in the public interest to disrupt the ongoing process. To do so for the purpose of an FOI would be a wasteful use of public funds.

Balancing Test

In this case, there are factors favouring disclosure and non-disclosure. The main factor favouring disclosure is openness and accountability however the impact of this factor is reduced by virtue of the West Yorkshire Police's pre-existing intention to publish the information.

The main factor favouring non-disclosure is the fact that the information will be made available, in due course.

As such, it is my decision that the public interest at this time lies in non-disclosure for the reasons outlined above.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or you think the decision is incorrect?

You have the right to request that West Yorkshire Police review their decision. Prior to lodging a formal complaint, we encouraged that you discuss the decision with the case officer that has dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again, is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police, made under the Freedom of Information Act 2000 regarding access to information, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision, will be carried out by a senior member of staff who is fully trained in interpreting Freedom of Information legislation. The review will be independent conducted, regardless to the original decision made.

Complaints will only be treated as valid, if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing, by using the following contact details:

foi@westyorkshire.pnn.police.uk

Or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances, West Yorkshire Police will aim to complete and respond to your internal review within 20 working days. However this date may be extended in exceptional circumstances, by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision, made by West Yorkshire Police. You can then make an application to the Information Commissioner, for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow

Cheshire

SK9 5AF

FOI Help Line: 0303 1231113

Case Case Type	Date Case Recorded	Case Status	Case Result Description	Result	Allegation Breach Type
Conduct	10/09/2018	Finalised	Case to Answer	Meeting - officer received final written warning	02 Authority, Respect and Courtesy
Conduct	06/02/2018	Finalised	Case to Answer	Meeting - officer received management advice	02 Authority, Respect and Courtesy
Conduct	10/07/2019	Finalised	Case to Answer	Meeting - officer received a written warning	03 Equality and Diversity
Conduct	28/03/2018	Finalised	Case to Answer	Meeting - officer received a written warning	03 Equality and Diversity
Conduct	03/10/2012	Finalised	Case to Answer	Meeting - officer received final written warning	02 Authority, Respect and Courtesy
Conduct	22/09/2010	Finalised	Case to Answer	Meeting - officer received final written warning	02 Authority, Respect and Courtesy
Conduct	05/09/2019	Finalised	Case to Answer	Meeting - officer received final written warning	02 Authority, Respect and Courtesy
Conduct	27/07/2020	Finalised	Case to Answer	Meeting - officer received a written warning	03 Equality and Diversity
Conduct	05/09/2019	Finalised	Case to Answer	Meeting - officer received final written warning	03 Equality and Diversity
Complaint	10/03/2017	Finalised	Case to Answer	Hearing - staff member was dismissed	Discriminatory Behaviour

Period	Bullying, Harassment and Inappropriate Behaviour Disciplinary Cases with Protected Characteristic, if known	Outcome
April 2010 to March 2011	Disciplinary case related to race and sexual orientation.	Final written warning
	Disciplinary case related to gender.	Final written warning
April 2011 to March 2012	Disciplinary case related to age.	Final written warning
	Disciplinary case. Protected characteristic not known.	Final written warning
April 2012 to March 2013	Disciplinary case related to race.	Final written warning
April 2013 to March 2014	No cases recorded	
April 2014 to March 2015	No cases recorded	
April 2015 to March 2016	Disciplinary case. Protected characteristic not known.	Resigned
	Disciplinary case related to gender.	No further action

Notes

The table below provides details of police staff disciplinary case outcomes where reference is made to harassment, bullying or inappropriate behaviour and there is also reference to an issue that is believed to be related to a protected characteristic such as race, gender, marriage, sexual orientation, or disability. Where the affected protected characteristic is not known or is unclear this is stated. The information is drawn from a summary spreadsheet and is dependent on the extent of information input on to the spreadsheet when it was updated. The information is based on the date each disciplinary case was finalised.