

Applicable Exemptions

Section 31(1)(g) - Investigations and Proceedings conducted by a public authority

Harm

West Midlands Police must be given the space to conduct investigations into our own employees, or to commission someone to investigate them on our behalf, without releasing the full findings into the public domain. Those accused of misconduct would expect to have the matter investigated properly and for information to be treated accordingly within the accepted rules. It would be reasonable for them to expect that any disclosure would be dealt with according to accepted procedures and no differently to any other disclosure of this type. It is essential that when conducting these investigations our employees are open and honest, without fear that what they have said will be reported in the public domain. We would not want to release any information that would have a detrimental effect on the thoroughness of these investigations.

Any person who reports these types of issues, or gives statements regarding them, would expect that information provided by them will only be used for appropriate purposes – that is the investigation of the facts and circumstances of any alleged misconduct. It is reasonable that any person giving a statement in this case would expect that the confidentiality of any information they gave will be maintained, particularly given the sensitive nature of these allegations.

Considerations that favour disclosure

The public must have confidence in the police force that has responsibilities for enforcing the law. This is especially the case when the information concerned relates to allegations of misconduct regarding its own officers. There is a general public interest in disclosing information that promotes accountability and transparency in order to maintain that confidence.

Disclosing information about these investigations would provide a greater transparency in the investigating process and professional standards within the force. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

Considerations that favour non-disclosure

Our employees and the general public must be confident that information provided during the course of an investigation will only be used for relevant purposes. Disclosure would therefore undermine the cooperation and openness of individuals and have a detrimental effect on efficiency and effectiveness of police investigations.

Anyone reporting misconduct must be confident that WMP are committed to ensuring that information provided by them will only be used for appropriate purposes and that the confidentiality of any information given will be maintained. Therefore, they should be assured that WMP would never provide information that would breach confidentiality.

There is an inherently strong public interest in public authorities carrying out these types of investigations. This ensures misconduct is identified and dealt with appropriately and that the necessary checks and balances are in place.

Balance Test

There are appeals processes built into the PSD system which can be exercised by those involved should they disagree with the findings. These mechanisms reduce the public benefit in releasing detailed investigative material into the public domain. There are already mechanisms for external scrutiny of these investigations which do not necessitate the publication into the public domain of personal data.

WMP actively publish information via the Professional Standards website to advise of misconduct hearings, therefore, information deemed appropriate for release is already available to the public at the time it is relevant.

Having considered the arguments for and against release, the public interest test favours non-release of material which directly impacts on any on-going or future investigations.