



# National Offender Management Service

Security Group  
National Offender Management  
Service  
Clive House  
70 Petty France  
London  
SW1H 9EX

T 0300 047 3000

[www.justice.gov.uk](http://www.justice.gov.uk)

Nichola Heather  
[request-348967-  
456f720d@whatdotheyknow.com](mailto:request-348967-456f720d@whatdotheyknow.com)

**Our Reference:** FOI 106812

25 January 2017

## REQUEST FOR INFORMATION

Dear Ms Heather,

Thank you for your requests dated 30 July 2016 in which asked for the following information from the Ministry of Justice (MoJ):

- 1. Data regarding prison officers who were sentenced by the courts for misconduct in public office from 2014-2016.**
- 2. The number of prison officers who were cautioned or prosecuted in the period 2014 - 2016 for misconduct in public office and the sentences passed for those that were successfully prosecuted.**

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together I have therefore aggregated your requests dated 30 July 2016.

I can confirm the department holds some of the information you have requested.

The National Offender Management Service (NOMS) does not hold all data for those prison officers who were cautioned or prosecuted for a Misconduct in Public Office offence, as there is no business need to collate this information. The information that NOMS does hold, specifically covers those prison officers convicted for Misconduct in Public Office for a corruption related matter. You may wish to contact the Crown Prosecution Service to enquire as to whether they hold this information in respect of misconduct which is unrelated to corruption.

In interpreting the data provided, it may assist you to know that the NOMS definition of corruption is: *'Corruption occurs when a person in a position of authority or trust abuses their position for their or another person's benefit or gain. In NOMS, this would include the misuse of their role in order to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behaviour'*.

**The National Offender Management Service: part of the Ministry of Justice protecting the public and reducing re-offending by delivering probation and prison services**

This includes, but is not limited to: actual or attempted conveying of restricted items into prisons, aiding escape, unauthorised disclosure of information, accepting or seeking bribes, inappropriate relationships, blackmail, taking or seeking money or other favours for commercial purposes, for moving or reclassifying prisoners, or theft of prisoner's money or property.

If a request is made for volumes and the total amounts to five or fewer, we must consider whether this could lead to the identification of any individuals and consider the information in line with the Data Protection Act 1998 (DPA). In this instance, we have decided that disclosure of figures of five or fewer cases would breach one or more of the Principles in the DPA.

We are not obliged, under section 40(2) of the FOIA, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the DPA. This is because the MoJ has obligations under the DPA to protect this information. In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40(2) is engaged. Section 40(2) of the FOIA states that personal data relating to third parties, (i.e. a party other than the person requesting the information), is exempt information if one of the conditions in section 40(3) is satisfied.

Therefore, please find the figures we are able to release regarding the total number of convictions and police cautions received by prison officers (public sector prisons) and prison custody officers (private sector prisons) for Misconduct in a Public Office for a corruption related matter.

<b>Prison Officers and Prison Custody Officers</b>	<b>2014</b>	<b>2015</b>	<b>2016*</b>
Convictions	5≤	12	5≤
Police Cautions	0	0	0
Convictions (custodial sentences only)	5≤	12	5≤

\*Up to 8 August 2016

**To note – the MoJ do not record those members of staff who were charged but were not convicted for an offence.**

The tables below shows the range of custodial sentences received by the Prison Officers/Prison Custody Officers for Misconduct in a Public Office for a corruption related matter over the 3 years requested:

<b>Year</b>	<b>Sentence range</b>
2014	8 months - 1 year and 6 months
2015	3 months – 3 years
2016	10 months – 1 year and 3 months

There is no place for corruption of any kind in the Prison Service, and any allegations of wrongdoing will be passed urgently to the police for investigation. Anyone who fails to meet our professional standards of integrity will face disciplinary proceedings and will be dealt with swiftly and robustly.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Yours sincerely

**SECURITY GROUP**

## **How to Appeal**

### **Internal Review**

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit (10.34),  
Information & Communications Directorate,  
Ministry of Justice,  
102 Petty France,  
London  
SW1H 9AJ

E-mail: [data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

### **Information Commissioner's Office**

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Internet address: [https://www.ico.gov.uk/Global/contact\\_us.aspx](https://www.ico.gov.uk/Global/contact_us.aspx)