

Ref: FOI 2017-15

15 January 2018

Dear Mr. Bashir,

I write regarding your email received 11 January 2018 in which you requested the following information.

Please can you inform me of how many applications you have received from students with criminal convictions contrary to Section 4 of the Public Order Act 1986. Please can you also inform me of how many students with such convictions were granted membership.

Please also advise me of similar statistics for qualified optometrists convicted of offences under Section 4 of the Public Order Act 1986.

Please provide information for as many years/students as possible.

I wrote to you on 12 January 2018 and asked that you clarify the time frame for your request. You responded on 13 January 2018 stating that you were requesting the data for the previous 5 academic years.

I can confirm that we hold the data that you have requested.

Our records are not stored in a manner to provide number of applications from students with criminal convictions contrary to Section 4 of the Public Order Act 1986.

We currently categorise declarations into three categories; Health, Criminal and Investigation. We do not further categorise by specific crime types or log offences using codes which would allow this information to be extracted without a manual search of our records. Furthermore, we do not request that registrants provide details regarding which section of the public order act or criminal justice act they were charged.

In the previous academic year (2017-18) we have received 165 criminal declarations from students wishing to join our register. We receive circa 150 criminal declarations

from students in each academic year. Based on a five year period this would represent approximately 750 student applications with criminal declarations.

To obtain the data you have requested would require an employee to search each individual record and based on the available information make a reasoned decision as to whether the declaration would be an offence contrary to Section 4 of the Public Order Act 1986.

Furthermore, it may be necessary to seek further information or advice for an employee to ascertain whether the declaration would be an offence contrary to Section 4 of the Public Order Act 1986.

Working on the conservative estimate that it would take a maximum of 10 minutes per record held we calculate to complete this task for all of the 750 records it would take 125 hours to comply with your request.

If we limited your request to the previous academic year (2017-18) we calculate to complete this task for the 165 records it would take 27.5 hours to comply with your request.

This would breach the acceptable cost limit as outlined in the Freedom of Information Act which is currently set at £450 for public authorities (based on an employee working 18 hours at a rate of £25 per hour).

Section 12 of the Freedom of Information Act states;

Public authorities are able to refuse to deal with a request where it estimates that it would exceed the appropriate limit to:

- *Either comply with the request in its entirety or;*
- *Confirm or deny whether the requested information is held.*

The estimate must be reasonable in the circumstances of the case. The appropriate limit is currently £600 for central government and £450 for all other public authorities.

As such we will not be responding to your request. You may wish to further clarify your request to enable us to respond within the appropriate cost limit.

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously. However, if you feel your request has not been properly handled or you are dissatisfied with our response you have the right to complain. We will investigate the matter and endeavour to provide a response within 20 working days. You should write to:

Freedom of Information Reviews
General Optical Council
10 Old Bailey
London
EC4M 7NG

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint the Commissioner would expect you to have exhausted the complaints procedure provided by the GOC. The Information Commissioner can be contacted at:

FOI Compliance Team (Complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Robert Mannall
Information Governance
General Optical Council