



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

Reply to: Claire Buckley

Tel No: 01953 424455

27th October 2016

Dear Member of the Public

Freedom of Information Request FOI/OPCCN/109

I am writing in connection with your email dated 28th September 2016, in which you requested the following information under the Freedom of Information Act 2000:

“Under the FOI Act, can you confirm what physical tests have to be achieved by members of Norfolk Constabulary

Under the FOI Act, can you please indicate when Mr Bailey will be 65?”

I have reviewed our records and I can advise the following:

An extract from the Police Accountability Forum minutes from 21st July 2016 contains information which relates to Physical Tests. Please find attached a copy of the relevant section. No further information is held by the OPCCN, but may be held by Norfolk Constabulary should you wish to submit the request to their Freedom of Information Unit.

You have requested details of when Mr Bailey would turn 65. This is personal information and is exempt under Section 40 of the Freedom of Information Act 2000.

Section 40(2)

Section 40 is an absolute class based exemption and there is no requirement for the OPCCN to undertake a public interest test.

Section 40(2) – whilst section 40 is a class based absolute exemption and there is no requirement to consider the harm or public interest test, there is a requirement under sub-section 40(2), if the information requested relates to third parties, to articulate why disclosure would breach any of the Data Protection Act 1998 principles.

Personal data means data that relates to a living individual who can be identified from that data or from that data and other data that is in the possession of, or likely to come into the possession of, the Data Controller. Principle 1 of the Data Protection Act 1998 states that Personal Data shall be processed fairly and lawfully.

The latest advice from the Information Commissioner, when applying the exemption at section 40(2), is to firstly consider fairness. Fairness relates to consideration of expectation and consequences in relation to the use of a person's personal data. It is reasonable to assume that officers and staff, would expect their personal data to be kept confidential and in accordance with the Data Protection Act 1998, and that information would not be made publicly available by releasing the details via the Freedom of Information Act 2000 process. Once released the information is published on the OPCCN website and is available to any internet user.

The release of personal data into the public domain under the Freedom of Information Act 2000, in a way that an individual would not expect, would not be fair, and would be a breach of Principle 1 of the Data Protection Act 1998. For these reasons, at this time, it has been decided that this information will not be released.

Yours sincerely

CBuckley

Claire Buckley
Freedom of Information Officer
Office of the Police and Crime Commissioner
For Norfolk.

Internal Review

If you think we have not supplied information in accordance with Section 1 (the General Right of Access) of the Freedom of Information Act 2000, or you are dissatisfied with the way in which your request has been handled, then you should write, in the first instance, to:

Mark Stokes
Chief Executive
Office of the Police and Crime Commissioner for Norfolk
Building 8
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW

Telephone: 01953 424455

Fax: 01953 424462

Email: opccn@norfolk.pnn.police.uk

If you are dissatisfied in any way with our response or the way we have handled your request, you can contact us by phone, email or in writing. We may, in the first instance, try and resolve your complaint informally. However, at any stage you can request or we may decide to treat your complaint formally under our internal review process.

An internal review is conducted by the Chief Executive who will review the request and response, taking account of your complaint(s), and will respond in writing as soon as possible. The Information Commissioner's Officer recommends that a response should be made in 20 working days. If we are unable to respond in this timeframe we will inform you and provide a date by which you should expect to receive our response.

If, after the internal review, you remain dissatisfied then you can complain to the Information Commissioner's Office, the government regulator for the Freedom of Information Act. Details of how to contact the Information Commissioner's Office can be found at www.ico.gov.uk

recruited. However, as the Constabulary already had advisors in place who understood the health pathways available to get support this was not currently being considered. DCC Hall advised they would monitor how that function rolled forward over time and would keep the area under review to see how it evolved.

The PCC highlighted that as part of his Police and Crime Plan consultation, he had spent time with the diverse communities within Norfolk. He questioned how reflective the Constabulary were in terms of employees from those communities. The Chief Constable advised that within the four main areas (BME communities, Disabled, LGBT and over 56+ years), the Constabulary had 351 members of staff who fell within those areas, equating to nearly 20% of the workforce. The PCC queried the gender equality across the force within the senior officer structure (i.e. Chief Superintendent, Assistant Chief Constable, Deputy Chief Constable and Chief Constable). The Chief Constable provided reassurance that the Constabulary had a strong representation of females to males in the senior management structure.

The PCC queried in light of recent media coverage around fitness tests for officers and failure rates, he questioned how regularly Norfolk officers completed the fitness test. DCC Hall advised all officers were required to complete the test every year, which involved shuttle running a distance between beeps which sped up; officers were required to achieve a pass rate. The pass rates were closely monitored, with the Constabulary routinely seeing an annual 98-99% success rate. Officers not achieving the pass rate had 2 months in order to reach the pass point.

The PCC noted the report.

9. Complaints and Professional Standards Update

The PCC noted the report.

10. NHS Custody Liaison and Diversion Update

The PCC noted the report.

11. Annual Health and Safety Report 2015/16

The PCC noted the report.

12. Emerging Operational/Organisational Risks

Blue Light Service Collaboration (Police and Fire Services)

The PCC sought an update on future plans around emergency services collaboration. The Chief Constable provided an overview, advising that proactive and positive collaboration had commenced which had seen the Norfolk Fire Service senior command team working jointly with the Police at Wymondham, with the Headquarters rebranded as a joint Headquarters. Further moves were scheduled, with the Fire Service intelligence analyst staff, Director of Human Resources and Control Room staff moving into the joint Headquarters over the next month, collaborating effectively and breaking new ground.