



**Derbyshire Constabulary**

Mr Martin Beckford

Telephone: 101  
Direct Line: 0300 122 8752  
Ask For: Freedom of Information  
Our Ref: 002188/18  
Your Ref: Force Management Statement  
Date: 5 November 2018

Dear Mr Beckford

**FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 002188/18**

I write in connection with your request for information which was received by Derbyshire Constabulary on 03/07/2018. I note you seek access to the following information:

*Please can you provide a copy of your Force Management Statement.*

**Result of Searches**

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

Please be advised that in relation to your request for us to provide a copy of the above document the Freedom of Information Act 2000 only provides a right of access to information; it does not provide a right of access to documents. The consideration by the public service is whether the provision of copies of documents, is in their view, the most effective and expedient manner of dealing with the issue of disclosure. The public service, in this instance, the Derbyshire Constabulary therefore has a choice to provide either

- (a) a summary of the information or
- (b) a copy of the document

The legislation relating to this part of the request is Sections 1 and 84 of the Freedom of Information Act 2000. The legislation has been clarified by virtue of an Information Tribunal Decision. The current legal standing for this is Information Tribunal Decision - N. Ingle v Information Commissioner 29 June 2007 (EA/2007/0023) paragraph 7 which is reproduced below for your convenience

*“The right to information conferred by section 1 of the Freedom of Information Act is just that, a right to information; it is not a right to see particular documents, but to the information contained within them. Moreover, information is defined in section 84 of the act as “information recorded in any form”. The Act only gives a right to recorded information”.*

This by extension to Section 1 (1) (a) only relates to information which is recorded and held “at the time of receiving the request”.



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Following due consideration I have decided on this occasion to disclose a copy, albeit with limited redactions, which can be accessed via the below link:

<http://www.derbyshire.police.uk/FMS>

## Decision

I have today decided not to disclose all the located information to you in full as I am claiming exemptions under Sections 23 - Information Supplied by Security Bodies, 24 National Security and 31 - Law Enforcement; the rationales for which are shown below.

### **Section 23(5) - Information Supplied by Security Bodies**

### **Section 24(2) - National Security**

### **Section 31(3) - Law Enforcement**

**Section 23** is a class based absolute exemption and there is no requirement to evidence the harm or consider the public interest.

**Section 24** and **31** are both qualified exemptions and as such there is a requirement to evidence any harm confirmation or denial that any other information is held as well as consider the public interest.

## Overall Harm

In June 2015 Sir Thomas Windsor, Her Majesty's Chief Inspector of Constabulary, wrote to all Chief Constables introducing the establishment and phased introduction of a new, simpler and better system of reporting on matters concerning the efficiency and effectiveness of the police; one of force management statements.

A force management statement (FMS) is a self-assessment that chief constables prepare and give to HMICFRS each year. It is the chief constable's statement and explanation of:

- the demand the force expects to face in the next four years;
- how the force will change and improve its workforce and other assets to cope with that demand;
- how the force will improve its efficiency to make sure the gap between future demand and future capability is as small as it can reasonably be; and
- the money the force expects to have to do all this.

Although a template was provided to assist in the preparation of these statements it is apparent from reading those published that the style and, more significantly, the content varies with some being a summary overview as opposed to a detailed, data based evaluation. The issue from a response point of view is that for the latter consideration has to be given to the application of relevant exemptions to certain areas; a fact echoed below (extract shown is taken from the above letter):

4. *A force management statement is an annual statement published by the chief constable (and London equivalents) (with necessary redactions on security grounds) of:*



- (a) the **financial resources** which the force expects to have in each of the succeeding three to five years;
- (b) the **demand** – latent and patent, crime and non-crime – which the force expects to face in each of those years; and
- (c) in relation to the **assets** (predominantly people) which the force has to meet that demand:
  - i. the **capacity** of the workforce and other assets – how much work can they do;
  - ii. their **capability** – what is it they can do: their skills, for example: response, investigation, roads policing, public order, firearms, child protection, neighbourhood, crime scene investigation, intelligence and analysis, leadership, management and supervision, business planning and financial and commercial acuity, and the extent to which those skills are likely to meet the demands which the force faces and will in future face;
  - iii. their **condition** – matters such as physical fitness and impairments, professional attainments, and seniority;
  - iv. the **serviceability and wellbeing** of the workforce and other assets – what does it take – in money, time and effort – to look after the workforce and other assets, to ensure they are in their best practicable condition and operate at their best, for example: training and professional development, improvements in skills and resilience, and improvements in supervision, efficiency and effectiveness;
  - v. workforce **performance** – how well do they perform; what measure of productivity can reasonably be expected from them, and how should and will that productivity change over time; and
  - vi. **security of supply** – how resilient is the overall capacity of the force in terms of meeting surges in demand.

The policing landscape has changed significantly over the past years due, in the main, to budgetary cuts specific to the service and partner agencies and the evolution of differing crime types such as modern day slavery, emerging threats within the public protection arena and the ever evolving field of technology and associated crimes. Whilst the recognition of such issues and the shortfalls identified within force are vital in the development of a more agile and sustainable approach to publish these would provide significant information to organised crime groups and those intent on causing harm in that it allows for the building of a mosaic from a local to a national level of capabilities (strengths and weaknesses) and the ability to respond.

Transparency and accountability are vital in maintaining the confidence of the communities served but there is no expectation from those same communities that information is disclosed that would assist the above groups and compromise them and the effectiveness and efficiency of the force in providing its key services which are taken for granted.

Police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern day policing is intelligence-led and this is particularly pertinent with regard to both law enforcement and national security. The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. The force would not condone any release of information where there is a possibility that in doing so it would impact on our ability police effectively and undermine our partnership approach to investigations.



The international security landscape is increasingly complex and unpredictable. The current threat level is 'severe' and the UK faces a sustained threat from violent terrorists and extremists. Since 2006 the UK Government have published the threat level based upon current intelligence and that threat level has remained at the second highest level 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat 'critical' and July 2009, when it was reduced to 'substantial'. Set against this backdrop to release any information that would undermine the force's capability to deal with the on-going terrorist threat faced would be reckless.

The above identified harm has to be set against the backdrop that a disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA/2006/0013) (following *Hogan and Oxford City Council v The Information Commissioner* (EA/2005/0026 and EA/2005/0030)) confirmed that, "Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole, without conditions" (paragraph 52).

## **Public Interest Test**

### **Section 24**

#### **Factors for Disclosure**

Disclosure of information would lead to a better informed public who would then, arguably, be able to take steps to protect themselves. Additionally in an era of ever reducing finances for the service to demonstrate that it is an effective, efficient and value for money body would increase public confidence in the service delivered in that public funds are being wisely spent.

On a final note it could also be argued that as the information simply relates to national security any disclosure would not actually harm it.

#### **Factors against Disclosure**

Given the overall premise of the document it is 'reasonably necessary' to withhold minimal information whilst being as transparent as operationally possible. There is a risk that disclosure would, in some scenarios, increase the risk of harm to the public, render security measures less effective and compromise ongoing or future operations aimed at protecting the security or infrastructure of the UK.



## Section 31

### Factors favouring Disclosure

The release of information would raise awareness which may reduce crime or lead to more information from the public. There is also the benefit that they would be able to take steps to protect themselves.

### Factors against Disclosure

Information, if released, would compromise law enforcement tactics and place individuals at risk. There is a danger that the partnership approach to law enforcement would be undermined which would hinder the prevention or detection of crime. Additionally there would be an impact on police resources as current security arrangements and tactics are re-used and having been monitored by criminal groups, fixated individuals and terrorists these would need to be reviewed which would require more resources and would add to the cost to the public purse.

### Balancing Test

When balancing the public interest test I have to weigh up competing arguments as to whether the information should be released or not. A major factor in this is to ascertain whether there is there a tangible community benefit for release which is more powerful than the harm that can be done if released.

In this instance the strongest arguments for release are transparency linked to accountability and the ability to demonstrate that the service is both effective and utilising public money in the most appropriate way. These have to be set against the strongest arguments against release namely that it is '*reasonably necessary*' to apply the exemption (S24), there is a risk of compromising ongoing or future operations to protect the security or infrastructure of the UK as well as law enforcement tactics, individuals would be placed at risk and release would hinder or prevent the detection of crime.

For the Management Statement to be effective and have real purpose moving forward it has to demonstrate all aspects of the force which, by default, will include areas where we perform well and those where we could improve. It was intended as a management tool that would allow the Force and the PCC to determine future strategy. It was not intended to be a blueprint whereby nationally a mosaic could be built outlining those areas in which individual's intent on committing crime/causing harm could operate with minimal chance of detection. Additionally the service, via numerous statutory bodies, is held to account for its actions without the need to refer to the document.

Following due consideration I am of the view that the information protected by the exemptions is minimal but necessary for the reasons outlined. As such the exemptions stand.

### Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea  
Freedom of Information Officer

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