

## **Freedom of Information Act 2000 (Section 48)**

### **Practice Recommendation**

**Date:** 15 October 2020

**Public Authority:** Chief Constable of Northamptonshire Police  
**Address:** Wootton Hall  
Wootton Hall Park  
Northampton  
Northamptonshire  
NN4 0JQ

#### **Foreword**

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1. Northamptonshire Police (NP) made a self-referral to the Information Commissioner (Commissioner) regarding the timeliness of its responses to freedom of information requests. On the basis of the information received during the monitoring of NP's timeliness compliance, the Commissioner has reached the view that NP's request handling practices do not conform to the [Freedom of Information Code of Practice](#), issued under section 45 of the Freedom of Information Act 2000 (FOIA) by the Cabinet Office in July 2018 (the Code).
2. The Commissioner considers that NP's practices do not conform with part 4 of the Code relating to time limits for responding to requests.
3. Therefore, in accordance with section 48(1) of FOIA, the Commissioner has elected to issue the foregoing practice recommendation.

#### **Summary**

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4. The Commissioner has monitored underperforming police forces that have been brought to her attention. Intelligence was captured by requesting performance statistics, action plans to improve performance, and milestones for recovery. Police forces had the opportunity to address the problems identified by formulating and initiating plans to improve their performance.

5. Although significant progress has been made to improve NP's performance, the Commissioner's analysis of the performance statistics has led her to issue this practice recommendation to ensure that the trend of improvement continues and NP achieves satisfactory levels of timeliness.

### **Nature of non-conformity**

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6. The Commissioner considers that the practices of NP in relation to the exercise of its functions under FOIA do not conform to part 4 of the Code.

### **Part 4 – time limits for responding to requests**

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7. Section 4.1 of the Code highlights the "*clear*" requirement that public authorities respond to requests for information promptly, and within 20 working days of receipt.
8. In July 2018 NP self-reported its FOI backlog and low compliance rates to the Commissioner. At that time NP did not confirm the volumes of requests involved.
9. In November 2018 NP confirmed that for the month of October it had 427 outstanding requests and a 0% in time compliance rate (full compliance statistics detailed in **Annex 1**).
10. NP said its performance issues were mainly caused by a lack of resource and experience. NP also submitted a recovery plan to the Commissioner which included a variety of measures to improve its timeliness performance to satisfactory levels.
11. On 7 October 2020 NP reported 115 overdue requests and a 66% in time compliance rate (**Annex 1**).

### **Action recommended**

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12. NP should ensure that requests for information are responded to in a timely manner in accordance with section 10(1) of FOIA.
13. NP should publish its action plan to improve performance and any subsequent updates to the action plan. The action plan should be readily accessible on NP's website.

14. NP should publish information access request statistics in accordance with part 8.5 of the Code. The statistics should include the number of information access requests that have not been processed and the number of processed requests where the processing took longer than the statutory deadline. The statistics should be readily accessible on NP's website.
15. NP should use the Commissioners [FOI self assessment toolkit to help improve its timeliness compliance.](#)

### **Failure to comply**

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16. A practice recommendation cannot be directly enforced by the Commissioner. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner under section 49 of FOIA.
17. The Commissioner will have regard to this practice recommendation in her handling of subsequent cases involving NP.

**Signed .....**

**Laura Tomkinson  
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## Annex 1

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1. The table below shows the performance information that NP has submitted to the Commissioner.

<b>Month of return</b>	<b>Outstanding</b>	<b>Overdue</b>	<b>Over 6 months</b>	<b>Oldest</b>	<b>In time</b>
Oct-18	427			23/05/2018	0%
Nov-18	447			15/06/2018	7%
Dec-18	418			22/06/2018	12%
Jan-19	512	383	121	22/06/2018	10%
Feb-19	499	401	45	02/07/2018	8%
Mar-19	606	502	55	25/07/2018	12%
Apr-19	641	435	36	03/09/2018	28%
May-19	620	597	55	11/09/2018	26%
Jun-19	631	555	263	11/09/2018	43%
Jul-19	523	433	108	11/09/2018	39%
Aug-19	436	373	151	11/09/2018	47%
Sep-19	362	285	123	01/12/2018	31%
Oct-19	320	229	89	20/11/2018	36%
Nov-19	309	202	75	12/02/2019	57%
Dec-19	294	226	79	13/02/2019	58%
Jan-20	300	173	52	13/02/2019	43%
Feb-20	307	220	38	15/03/2019	59%
Mar-20	261	203	14	15/03/2019	51%
Apr-20	248	177	24	28/06/2019	43%
May-20	213	164	5	28/06/2019	51%
Jun-20	195	124	6	19/11/2019	36%
Jul-20	165	115	7	19/11/2019	65%
Aug-20	152	108	30	19/11/2019	64%
Sep-20	162	115	36	19/11/2019	66%