

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2021-01142

Keyword: Crime

Subject: Sexual Misconduct, Assault and Rape Involving Schools

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1) (a) of the Freedom of Information Act 2000 (FOIA) we can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with all of your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

How many reports of sexual misconduct, sexual assault and rape involving schools or referred to your police force by schools were there during the following years: 2015, 2016, 2017, 2018, 2019, 2020 and to date in 2021?

Request 2

How many reports of sexual misconduct, sexual assault and rape were made by under 18s during the following years: 2015, 2016, 2017, 2018, 2019, 2020 and to date in 2021?

For each report could I also request:

- What was the final outcome (if known) of the report?
- Was the gender of the victim (if known)?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority 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 including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) Extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the ‘appropriate limit’).

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- Made by one person, or by different persons who appear to the public authority to be acting in concert or in the pursuance of a campaign;
- Made for the same or similar information; and
- Received by the public authority within any period of 60 consecutive days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request confirmed that the information requested is not held in a readily retrievable format. To retrieve this information would require manual searches of the Niche database for the requested period of 5+ years for all incidents closed, with the relevant closing code. Each individual incident would then have to read and every telephone call listened to, to try and identify if the report was being made on behalf of a school, or if the caller was under 18 years of age. Further review would be required to establish the final outcome of the report and the gender of the victim.

In the period between 1st January 2015 and 10th May 2021 a total of 18,882 incidents have been recorded on the Niche database, with the relevant closing code. The record owner has estimated it will take 10 minutes to assess each incident, to conduct this work for all incidents would equate to

approximately 3147 hours of work. To conclude, the above searches would grossly exceed the FOI legislative cost of 18 hours, as set by the Secretary of State.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Advice and Assistance

Under Section 16 of the FOIA, PSNI will always try to assist you to refine your request and provide advice where we can. PSNI has considered how your request may be refined to bring it under the appropriate limit.

Subject to any relevant exemptions, we can provide the number of sexual offences recorded where the location is listed as 'school' and can provide the age and gender of victim, and the crime outcome where this has been applied. This information would be based on the victim of the offence, regardless of who made the report to Police. The 'school' location subtype indicates that an offence occurred at or within the vicinity of school premises. Therefore the offence may have occurred outside of school premises. Additionally, the offences may have occurred on school premises outside of school hours and those involved in the offence may not have any connection to the school.

Any submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, ***including consideration of relevant Part II exemptions – S30 Investigations, S40(2) Personal Information and S44(1) Prohibitions on Disclosure.***

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.