

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 July 2014

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested details about the cost of disciplinary proceedings against an officer of the Metropolitan Police Service (the "MPS"). The MPS advised that it does not record this information. The Commissioner's decision is that the information is not held. No steps are required.

Background

2. The request can be followed on the "What do they know" website¹.
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¹https://www.whatdotheyknow.com/request/cost_of_disciplinary_enquiry#incoming-496403

Request and response

3. On 11 February 2014, the complainant wrote to the MPS and requested information in the following terms:

"It has been well reported in the media that one of your officers, [name removed], has been the subject of Disciplinary Proceedings concerning an alleged offence of Gross Misconduct.

Enquiries by MPS Directorate of Professional Standards have been ongoing for quite some time.

Today I read that these proceedings have been 'downgraded' to Misconduct.

Could you please tell me the total cost of this investigation to date?

I specifically do not require any personal information, or complex breakdowns of cost, just one simple total amount please".

4. The MPS responded on 20 February 2014. It advised that it did not record this information so, for the terms of the FOIA, it was not held. It went on to explain why.
5. When asking for an internal review the complainant explained:

"My understanding is, and always has been, that Police Officers are required to show on their Duty States a Code which relates to individual enquiries that they have been working on each day, and how many hours they have spent on each.

In view of this I would request that you conduct an Internal Review of my request and if you are still unable to provide me with a cost (I will accept solely Police Officers' time) maybe you could tell me the total number of Police Officers' hours expended on this investigation".

6. Following an internal review the MPS wrote to the complainant on 21 March 2014 maintaining its position.

Scope of the case

7. The complainant contacted the Commissioner on 24 March 2014 to complain about the way his request for information had been handled.

He advised that he did believe that such information was recorded and asked the Commissioner to consider this. He advised the Commissioner as follows:

"I had requested the cost of a particular enquiry, their ewponse [sic] was that they do not 'cost' individual enquiries and therefore could not provide me with the information I had requested.

They are, however, able to inform the public what the cost of the Madeliene [sic] McCann and Plebgate enquiries have been, so they must have bee [sic] costed.

I also have reason to believe that each investigation is allocated a resource code in order that it CAN be costed, so I fail to understand or believe their respnse [sic]".

8. In further correspondence with the Commissioner he advised:

"As a retired [force removed] officer I know that thaey [sic] always used to 'cost' operations and enquiries and I fail to understand why they would not still be doing that, as that sort of information is crucial in the current economical [sic] climate".

9. The Commissioner has considered whether or not the MPS holds this information.

Reasons for decision

Section 1 – general right of access

10. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.

11. In determining whether information is held, the Commissioner applies the normal civil standard of proof, meaning he will decide on the balance of probabilities. In deciding where the balance lies, the Commissioner will consider the scope, quality, thoroughness and results of the searches carried out by the public authority as well as considering, where appropriate, any other reasons offered by the public authority to explain why the information is not held.

12. In its refusal notice the MPS explained to the complainant:

"Directorate of Professional Standards (DPS) investigations are not routinely costed by the MPS. The investigation into [name removed] has accordingly, not been attributed a cost. Furthermore, should a member of staff endeavour to calculate the cost of this investigation, there is insufficient information held by the MPS to undertake this calculation. For example, police officers are required, each day, to complete a duty state. The duty state records the activities performed by a police officer. This record does not contain sufficient detail to allow the time spent by a police officer on a particular investigation to be calculated. This is largely because police officers tend to be involved in more than one investigation at any given time and the duty state does not record each activity performed by an officer and attribute this activity to a particular investigation. Moreover, it should also be noted that no record of duties exists for members of police staff".

13. In its internal review it added:

"The information requested is not held by the MPS. Even discounting costs that are not connected to staff time, this information is not held.

Furthermore, the MPS response explained that information recorded on duty states does not contain sufficient information to identify time spent on the investigation to which your request relates. It follows that the MPS are unable to provide the total number of hours expended on the investigation. Combined with the fact that police staff are not required to record the time spent working on specific investigations, the MPS do not hold the information requested".

14. By approaching the department which would hold that information, namely the Directorate of Professional Standards where officers working on the investigation would be employed, the Commissioner considers that the MPS has carried out appropriate enquiries in an effort to locate any recorded information.

15. Nevertheless, the Commissioner also notes the complainant's position that, in his experience as a former police officer, he believes that an investigation such as this would be given its own "operational code" and that budgetary information would be recorded against this code. Furthermore, he is of the belief that officers working in the Directorate of Professional Standards would record time spent working on individual cases. The Commissioner put these queries to the MPS and was advised as follows.

16. It recognised that the complainant had drawn parallels with the enquiries into the disappearance of Madeleine McCann and "Plebgate". However, it explained that both of these enquiries had been allocated a "cost centre code" under which expenditure had been recorded and was therefore accountable. It advised:

"Specific enquiries with MPS Central Finance have revealed the following in regard to the setting up of a budgetary code: 'The likely reasons why we would want to capture cost is either that it is a significantly large event that may warrant the MPS to make a claim against central government for additional funding or indeed, it is an event that will attract a significant amount of media attention where the cost may need to be provided. However, for the latter example such media attention may not be known or realised until sometime after the event.'

In this specific case, the investigations carried out by the MPS into one named officer did not attract such a code, therefore the information, as described in the earlier responses by the MPS is indeed not held. I would draw the Information Commissioner's attention to a similar matter concerning a request of the cost of investigations into an ex high profile member of the MPS, one, I would suggest, significantly more high profile than the current case. This resulted in a Decision Notice upholding the MPS position of no information held.²"

17. The MPS also confirmed that:

"... whilst it is an operational matter to chose a operation name, it does not follow that the operation has a cost code associated with it... unless it was recognised that significant cost was going to be incurred no specific cost code would be allocated".

18. The Commissioner also made enquiries about what level of detail an officer needs to record about their duties on a specific day. He was advised that Officer's duties at the MPS are recorded on an electronic system called "Computer Aided Resource Management" ("CARM"). It explained further:

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http://ico.org.uk/~media/documents/decisionnotices/2011/fs_50373179.pdf

"CARM allows for comprehensive planning, with the ability to plan months in advance and for appropriate information to be accessible at any time to those who need it. CARM also incorporates functionality for booking on and off duty with a short description of the duty being performed. However, without the necessary specific budget code, calculating the number of officers engaged on a particular enquiry and for how long is unfortunately not recorded and therefore impossible to calculate".

19. To illustrate what is recorded the MPS provided the Commissioner with a couple of screen shots taken from CARM. The Commissioner noted that the system was not designed to incorporate areas where 'free text' could be recorded. Accordingly, there was no provision for an officer to state which particular enquiry he was working on, only the times he was on duty.
20. In conclusion, unless an enquiry is such that it has been designated as a named operation and also been given a budgetary code - which is not the case here - then the costings of a specific enquiry being worked on will not be recorded.
21. Having fully considered the positions of both parties, based on the MPS's submissions, and the lack of substantive evidence to the contrary, the Commissioner is satisfied that MPS does not on the balance of probabilities hold the requested information. Therefore the Commissioner considers that the MPS has complied with its duties under section 1 of the FOIA.

Right of appeal

22. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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