

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2022

Public Authority: Chief Constable of Greater Manchester Police
Address: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP

Decision (including any steps ordered)

1. The complainant submitted an information request to Greater Manchester Police ("GMP") relating to the number of complaints received over a specific time period.
2. The Commissioner's decision is that GMP does not hold any recorded information failing within parts four and five of the request. However, in failing to respond to the request within the statutory timescale, the Commissioner has determined that the GMP breached section 10(1) of FOIA.
3. The Commissioner does not require GMP to take any further steps.

Request and response

4. On 19 January 2022, the complainant made the following request for information under FOIA. For ease of reference, the Commissioner has numbered the questions to align with GMP's response:

"1. I would like to know how many complaints have been recorded against GMP - broken down yearly, over the past three years from 1 January 2019 - 31 December 2021. I would be grateful if the following information could be supplied. How many complaints were recorded? How many complaints were recorded as closed / resolved within 7 days? (Same question) but within 14 days?

2. How many complaints are recorded as open / unresolved after 14 days?

3. How many complaints are recorded as open / unresolved after 28 days?

4. How many complaints have been referred outside of GMP's internal complaint handling process?

5. How many complaints, referred outside of GMP's internal complaint handling process has been recorded as partially or fully upheld, requiring remedial action?"

5. On 8 March 2022, GMP responded providing the information for parts one to three of the request and stating that it did not hold the information for parts four and five.

6. The complainant requested an internal review on 16 March 2022, asking for clarification regarding when complaints are passed over to the Independent Office for Police Conduct (IOPC).

7. Despite this request for an internal review, the complainant did not receive a response from GMP.

Reasons for decision

Section 1 (Held/Not Held)

8. Section 1(1) of FOIA states that:

Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

9. The Commissioner has sought to determine whether, on the balance of probabilities, GMP holds the requested information.
10. As parts four and five concern cases referred outside of GMP's internal complaint handling process, and as it states on its website, it is up to the IPOC if they choose to investigate these cases "independently of us" it would therefore appear that the IOPC, not GMP, would hold this recorded information.
11. On the balance of probabilities, the Commissioner is satisfied that GMP does not hold any information falling within parts four and five of the complainant's request.

Section 10 – time for response

12. Section 10(1) of FOIA states that a public authority must respond to a request promptly and in any event not later than the twentieth working day following the date of receipt.
13. The request for information was made on 19 January 2022 and GMP provided a response on 8 March 2022.
14. As this was more than 20 working days after the request was made, the Commissioner finds that GMP breached section 10(1) of FOIA.

Other matters

Section 45 – Internal review

15. There is no obligation under FOIA for a public authority to provide an internal review process. However, it is good practice to do so and, where an authority chooses to offer one, the section 45 code of practice sets out, in general terms, the procedure that should be followed. The code states that reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances.
16. In failing to conduct an internal review, in response to the complainant's request, GMP did not act in accordance with the section 45 Code of Practice.

Right of appeal

17. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

18. 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.
19. 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

Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF