



Our Ref: 002714/20

Your Ref:

Address Correspondence to: Information Management

Date 23 September 2020

I write in connection with your request for information under the Freedom of Information Act 2000 (FOIA), received on 14/08/2020 in which you requested the following information: -

In your financial accounts for the financial year 2019/20 do you have a section for "losses and special payments"?

- 1. If so how much money was accounted for in the 2019/2020 financial year as being "losses and special payments"? (Please note I am aware that the loss may have occurred many years earlier but I am interested in items which were accounted for in the last financial year, irrespective of when the loss took place.)*
- 2. Please detail the three largest single amounts within this total, giving a cost for each loss and a detailed description of the claim and the reason for the loss.*

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested.

Categories of Loss:

- Loss of cash – due to theft, fraud, arson, neglect of duty or gross careless, overpayment of salary, fees and allowances and other causes including accidents. [Dealt with by our legal department - there were a number of overpayment of salaries which were recovered by payroll and therefore no loss to the organisation](#)
- Fruitless payments – a fruitless payment cannot be avoided because the recipient is entitled to it, even though the public authority will get nothing in return. In assessing a fruitless payment, there will always be a degree of blame. For example, payment for travel tickets or accommodation that has been wrongly booked. [None which are known, however, to be more accurate this would entail searching through a year's worth of transactions which would take a number of days, therefore a section 12 exemption would be engaged.](#)

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption(s) applicable to some of the information are as follows.

Section 12 – Cost of compliance exceeds appropriate limit.

In order to retrieve the information you have requested would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000.

In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

- Bad debts – an individual debtor is a case, not every single invoice. [There were no bad debts for 2019/20.](#)

- Damage to buildings, fittings, furniture and equipment – examples of losses under this category are: losses by fire (other than arson) and losses by weather damage, or accident beyond the control of any responsible person. [None in 2019/20](#)

Categories of Special Payment

- Compensation payments made under legal obligation – clear liability under a Court Order or legally binding arbitration award. This includes compensation for injuries to persons, damage to property and unfair dismissal. [Dealt with by our legal department The total amount paid out by the Force by reason of either Court Order or binding arbitration \(which I have taken to include formal settlement meetings\) in 2019/20 was £181,305.92> Any further breakdown would engage section 40\(2\) Personal Information .](#)

Section 40 (2) – Personal Information

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

You should consider this to be a refusal under section 17 of the Act for your request.

- Extra contractual payments to contractors – these are payments which are not legally due under the original contract but where there appears to be an obligation which the courts may uphold. [Unknown but Procurement may be able to help as they deal with contracts](#)

- Ex-gratia payments – these are payments the public authority is not obliged to make or for which there is no legal liability. Examples of ex-gratia payments are:

There are 7 terminations of employment included within the accounts for 2019/20 which amount to £269,503 in total. Any further breakdown Section 44(1) (c) Information covered by Prohibitions on Disclosure would be engaged.

- o Loss of personal effects, clinical negligence/personal injury, and settlement on termination of employment, extra statutory or extra regulatory payments and maladministration cases.

- o Special Severance Payments – these are paid to employees, contractors and others outside of normal statutory or contractual requirements when leaving employment in public service whether they resign, are dismissed or reach an agreed termination of contract

This information will be exempt under section 40 (2) – Personal Information

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to the Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer

Leicestershire Police