



Our Ref: 001449/21

Your Ref:

Address Correspondence to: Information Management

Date 19 May 2021

Freedom of Information Act 2000

I write further to your request for information received 28/04/2021.

I note you seek access to the following information:

I'm researching the effectiveness of domestic abuse disclosure schemes (often known as 'Clare's Law' policies) for a book I am writing, to be published in early 2022.

Your force may well operate the Domestic Violence Disclosure Scheme (under Home Office policy in England and Wales).

My freedom-of-information request is: Please could you supply me with a copy of, or any relevant details of, any internal report or evaluation by your force of its operation of the Domestic Violence Disclosure Scheme in the last three years?

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and I am unable to supply all the information you have requested.

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

Please see attached policy/procedure relevant to your request. Redactions have been made for information considered exempt by virtue of section 31

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, 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 relate to your request are as follows:

- Section 31 – Law Enforcement

Reason for Decision

You have asked for information to be disclosed that was formulated as part of a policy/ procedural document.

As you have requested the information under the Freedom of Information Act 2000 consideration has to be given to the fact that the legislation is applicant blind. As a result, any disclosure has to be treated as if it was being sent to the public at large as opposed to a specific individual when considering the harm in disclosure.

I am satisfied that the above exemption is engaged on this occasion and that some of the information you have requested is not suitable for release under the Freedom of Information Act 2000.

I will now turn to the application of these exemptions to your request in order to provide the reasoning behind my decision.

Section 31 is a prejudice based, qualified exemption and there is a requirement to articulate the harm that would be caused as well as carrying out a public interest test.

Public Interest Test

The public interest is not what interests the public, but what will be of greater good if released to the community as a whole. It is not in the public interest to disclose information that may compromise Leicestershire Police's ability to fulfil its core functions. Detailed information pertaining to procedures is rarely disclosed so that the tactics, resources and intelligence used do not become public knowledge thereby rendering them ineffective.

Section 31 – Evidence of Harm

Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate.

However, in disclosing information to one applicant, we are expressing a willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including those who would use the information to gain an advantage over the police.

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure.

Effective policing requires the active participation of a wide number of agencies in order for it to be successful. As a result, during the course of any investigation, information is discussed and provided with the confidence that it will be treated confidentially. If a disclosure was made under the Act that broke this confidence, it would mean that information is not discussed and would severely impact on the process of law enforcement.

To release this information into the public domain would therefore clearly impact on our law enforcement capabilities with regards to future cases.

Section 31 – Considerations favouring disclosure

There is a public interest in disclosure of the requested information as it would allow the public to discuss the conduct of the investigation and would therefore raise the Force's accountability. It would also aid transparency and allow any failings to be discussed in the public domain.

Disclosure would also enable the public to see how public funds are spent, demonstrate the effective partnership work the Force undertakes with external agencies.

Section 31 – Considerations favouring non - disclosure

I am of the opinion that it is not in the public interest to disclose sensitive information that relates to our police procedures on this occasion. The information requested contains a wealth of information that if disclosed, would reveal police procedures and recording techniques along with other information which is vital to Law Enforcement.

Information such as Internal memoranda will contain detailed ways in which the process is conducted. If this was released into the public domain, it would allow those like-minded to commit crime to be aware as to how this type of procedure is conducted. It would therefore give them an added advantage should they wish to impede a future investigations/procedure and could significantly weaken our law enforcement capabilities.

Furthermore, information is given in confidence as part of the process. Should this therefore be disclosed under the Freedom of Information Act 2000, this confidence would be broken and would reduce the amount of information that is shared with the police.

I believe that on balance it is **not** in the public interest to release all the information which you have requested on this occasion for the reasons stated above. I appreciate that this is not the decision you had hoped for but I must consider the wider position under the Freedom of Information Act 2000 which I feel necessitates the need to refuse part of your request under this legislation.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to 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.

Freedom of Information Officer
Leicestershire Police

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