



Our Ref: 002240/21

Your Ref:

Address Correspondence to: Information Management

Date 06 July 2021

Freedom of Information Act 2000

I write further to your request for information received 30/06/2021.

I note you seek access to the following information:

Between the 1st Jan 2018 and 10th May 2021 how many misconduct and Special Case Hearings has your force held in total? please break down by calendar year and month

Between the 1st Jan 2018 and 10th May 2021 how many misconduct hearings has your force held in private which could have been held in public but a decision had been taken by the LQC that it would be held in private

How many times between the above 2 dates have you invited representations from media and other interested parties before deciding that a hearing should be held in private and what form has that invitation taken? eg email, letter or public notification.? Please provide details of all media outlets that have been advised and how many times the IOPC have been invited to make representations, as to whether a hearing, should be held in private

Your attention is drawn to section 11.80 pages 134 of the Home Office Guidance Conduct, Efficiency and Effectiveness:

Statutory Guidance on Professional Standards, Performance and Integrity in Policing:

Which states

11.80 At the pre-hearing, the chair will have discussed with participants the reporting restrictions or exclusions from the hearing proposed by the appropriate authority or the officer concerned. This will not be a final determination but an initial position from which, following public notification, the chair will be able to take representations (see Regulation 36(3) and (5) of the Conduct Regulations) from: a) the officer concerned, b) the appropriate authority, c) the complainant, d) any interested person, e) witnesses, f) the Director-General, g) representatives of the media

Guidance

Your attention is drawn to page 131-132 of the Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing Version 1 published on February 5th 2020

I am seeking to find out the numerical difference between the number of public misconduct hearings that had been scheduled and the number that had been held in private during a 3-year period eg 10 public misconduct hearings have been scheduled but it had been decided that 4 of those were to be held in private

I further seek information on the number of times that the media and the IOPC has been advised in advance of pre-hearing to decide if a public misconduct hearing should be held in private and have been invited to make representations before that decision was made

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 the information asked for is as follows: -

2018	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Gross Misconduct hearing (GMH)	2	0	1	0	0	0	0	0	1	0	1	2
Accelerated Misconduct hearing (AMH)	0	0	0	0	0	0	1	1	0	0	0	1
Total	2	0	1	0	0	0	1	1	1	0	1	3
2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Gross Misconduct hearing (GMH)	1	1	3	0	2	2	1	3	1	3	3	1
Accelerated Misconduct hearing (AMH)	1	0	0	1	0	0	0	0	1	0	0	1
Total	2	1	3	1	2	2	1	3	2	3	3	2
2020	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Gross Misconduct hearing (GMH)	2	0	0	1	0	0	1	0	3	0	1	1
Accelerated Misconduct hearing (AMH)	0	0	1	0	1	0	1	0	0	0	0	0
Total	2	0	1	1	1	0	2	0	3	0	1	1

2021	Jan	Feb	March	Apr	May
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					until 10th
Gross Misconduct Hearing	0	0	0	0	0
Accelerated Misconduct Hearing	0	0	0	1	0
Total	0	0	0	1	0

Number of hearings:
2018 = 10
2019 = 25
2020 = 12

How many times between the above 2 dates have you invited representations from media and other interested parties before deciding that a hearing should be held in private and what form has that invitation taken? eg email, letter or public notification.? Please provide details of all media outlets that have been advised and how many times the IOPC have been invited to make representations, as to whether a hearing, should be held in private

Where in exceptional circumstances a decision is taken in advance to hold all of the hearing in private, then in the interests of transparency the chair **may** consider that it would be appropriate to ask the force to publish a notice on its website explaining the decision.

Any representative of the media may make representations to the chair as to:

- i. Whether to exclude any person from the whole or part of the proceedings;
- ii. Prohibiting the publication of any matter relating to the proceedings; and
- iii. Imposing any conditions on any person attending the misconduct hearing in order to facilitate the proper conduct of those proceedings.

The chair may consider imposing some restrictions based on their assessment. In assessing whether any person should be excluded from a hearing or any part of a hearing, the chair may consider a variety of factors. These may include, but are not limited to the following factors:

- (a) The need for transparency of the police and discipline and / or the complaints system;
- (b) The public interests in the proceedings and public interest in transparency thereof;
- (c) The vulnerability, physical and mental health and / or the welfare of witnesses who may be called to give evidence at a hearing;
- (d) The involvement or naming of any children;
- (e) Where a misconduct hearing is being held as a result of a complaint, the vulnerability, physical and mental health and / or the welfare of the complainant(s);
- (f) The physical and mental health and / or welfare of the officer(s) subject to the misconduct hearing;
- (g) The welfare of any third party not listed above i.e. a victim that is not a complainant or witness;
- (h) Any factors relating to sensitive police operations that may not be appropriate for public disclosure, including where there would be a risk of the identification of covert human intelligence sources, confidential informants or covert police assets;
- (i) Whether holding a hearing in public would jeopardise or interfere with any criminal proceedings;

- (j) Whether holding the hearing in public would interfere with the prevention or detection of crime or the apprehension of offenders;
- (k) Any relevant national security issues.

Having considered any of the factors listed at (a) to (k) above, any representations that have been made and any other factors they consider relevant, the chair will consider whether the particular circumstances of the case outweigh the public interest in holding the hearing in public, notwithstanding that effort should be made to ensure as much of a hearing is held in public as possible.

At a pre-hearing, the chair will have discussed with participants the reporting restrictions or exclusions for the hearing proposed. **This will not be a final determination, but an initial position**, from which, **following public notification, the chair will be able to take representations as per r.36(5) and (6) PCR 2020 from any representative from the media.**

R.36(5) PCR 2020 sets out that any representative of the media may make written representations to the chair in relation to whether:

- (a) To exclude any person from the whole or part of the proceedings;
- (b) Prohibit the publication of any matter relating to the proceedings; and
- (c) Impose any conditions on any person attending the misconduct hearing in order to facilitate the proper conduct of those proceedings.

Therefore, on notification of a private misconduct hearing on a force's website, the interested person and / or any representative of the media should contact the force using the contact portals made available by the force. They would be best directing their enquiry to a force's Professional Standards Directorate (PSD) or equivalent.

There is no statutory obligation to (a) identify that representations can be made; and (b) to identify how and to whom those representations should be made. R.36(5) PCR 2020 and paragraphs 11.80 and 11.81 of the HOG advise that any representative of the media can make representations to the chair.

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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