Date: 15/4/2019
Our Reference: FOIA-2019-0025
Your Reference: N/A

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (FoIA) request. You have requested the following information (consolidated from your emails dated 26/3/2019, 28/3/2019 and 30/3/2019):

1. OSPRE/NPPF Sergeant and Inspector results and analysis such as those found on page 13 of the OSPRE analysis disclosed as part of the College response to FOIA_2015_0027, specifically tables 2, 7 and 13. For table 13, you requested results be organised by force and that the figures were distinguished by candidates with and candidates without a declared disability.

2. Within those candidates who declared a disability, what disabilities were disclosed. You indicated in your email of 30/3/2019 that you require a list of disabilities and that our response did not need to be organised by force as per item 1.

3. The disabilities of those candidates who requested a reasonable adjustment.

4. A breakdown of reasonable adjustments provided to candidates and which disability they relate to.

5. A consolidation of the figures redacted under FOIA_2018_0093.

Decision

Under the FoIA, a public authority must provide information to an applicant unless an exemption under the Act applies that would prohibit disclosure. As per section 1(1) of the FoIA, I can confirm that the College does hold information within the scope of your request; however this information cannot be disclosed to you because of the exemption given under section 12(1). Section 12 of the FoIA sets out a cost limit for requests and your request has exceeded the statutory limit. A public authority does not have to comply with a request where it exceeds the cost limit, this is defined in the Act as anything over 18 hours work, costed at a set rate of £25 (in essence, a total limit of £450). Full details about the relevance of the section 12 exemption in relation to your request can be found in Appendix A.

Guidance from the Information Commissioner’s Office (‘ICO’: the regulator charged with upholding information rights) can be accessed via their website:
Please know that when section 12 of the FoIA applies to a request, it applies to the whole request. As provided in the ICO guidance, a public authority is not obliged to search up to the appropriate limit and must give the requestor an opportunity to express a preference as to which parts of their request they may wish to receive which can be provided under the appropriate limit. Under section 16(1), we have a duty to advise and assist you in considering how you might refine your request to bring it below the cost limit. Further to the figures set out at Appendix A, you may wish to reconsider item 2 of your request. This element of the request would need to be separated into two further FoIA requests to fall within the appropriate cost limit. Alternatively, the parameters could be narrowed, for example, so that the request only applies to one year or to just the sergeant’s or the inspector’s exam.

We would welcome a revised request from you, however, if the information is held, it is important to state at this stage that the College reserves the right to apply any relevant exemptions to that information. Should you wish to revise the request to separate items into other requests, please note that the Freedom of Information (Appropriate Limit and Fees) Regulations 2004 (‘the Fees Regulations’) state that requests received within 60 consecutive working days can be aggregated for the purposes of section 12.

Please do not hesitate to contact me if I can be of any assistance. Your rights are contained in Appendix B.

Yours sincerely,

D Winnett | Legal Advisor
Legal Services
College of Policing

Email: FOI@college.pnn.police.uk
Website: www.college.police.uk
Appendix A
Refusal Notice

Information withheld on the application of s12 (2) FOIA 2000

Your request exceeds the fees limit as outlined by the Secretary of State, in that to locate and extract the information you have requested would take longer than 18 hours or cost more than £450 (each hour is costed at a set rate of £25 per hour). Section 12 of the FoIA provides an exemption from a public authority’s obligation to comply with a request for information where the cost of compliance is estimated to exceed that limit. For your information, the relevant question invoking the costs exemption is item 2 of your request.

Regulations 3 and 4 of the Fees Regulations state that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and/or
- extracting the information from a document containing it.

With regard to item 2, preliminary investigation has indicated that the information you have requested would need to be extracted from our central database and would require record by record examination. Working from an average of 200 candidates who declare a disability per NPPF sergeant’s exam and 100 candidates per NPPF inspector’s exam, over the 3 year period you have requested figures for, an approximate total of 900 records is given. A very conservative estimate of 2 minutes per record, puts the total time for data extraction at 1800 minutes (30 hours/£750), a figure in excess of the maximum cost of compliance given in the Act.

When section 12 of FoIA applies to a request, it applies to the whole request and the public authority is not obliged to answer any questions which may have fallen within the cost limit. ICO guidance confirms that it is a matter entirely for the applicant to reconsider and, where appropriate, re-submit a refined request.
Appendix B
Rights

If you are dissatisfied with the handling procedures or our decision made under the FoIA regarding access to information you have a right to request an internal review by the College of Policing.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice and should be addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or via email:

The College of Policing will aim to respond to your request for internal review within **20 working days**.

**The Information Commissioner**

If, after lodging a review request you are still dissatisfied with the decision you may make an application to the Information Commissioner’s Office (ICO) for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [https://ico.org.uk/for-the-public/official-information/](https://ico.org.uk/for-the-public/official-information/).

Alternatively you can write to the ICO:

**Information Commissioner's Office**

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: +44 (0)1625 545 700