

Request History: FS50433957

FS50433957 is basically a continuation of FS50403659. The initial request for FS50433957 (the case I am appealing about) is at the top of page 8.

On the 26th April, 2011, I asked Dorset Police:

I have heard from the DfT that "courses should be priced on the basis that they cover the costs of provision, and do not generate a surplus"

Could you please detail to me the COST OF PROVISION of the course (per person), and what makes this up?

Thanks, Ian Belchamber

Having usually received acknowledgements fairly quickly, but not for this request for over a week, I wrote on the 6th May 2011:

Hello,

I've had no acknowledgement or response to this, can you let me know if it is being dealt with and when I should receive a full response?

Thanks, Ian Belchamber

I then received the standard acknowledgement on the same day, saying that I would receive a response within 20 days. But by the 28th May I had heard nothing, so I wrote:

I believe 20 working days has passed from the date of my original request, could you please update me of the progress?

I still heard nothing by the 1st June 2011 so I wrote:

Please could you update me about progress on this foi request

On the same day I received:

Dear Mr Belchamber,

I must apologise for the delay in responding to you. We now understand that information relevant to your request is intended for future publication and we need to extend your request to consider the public interest issues in either disclosing or not disclosing this information ahead of this time under Section 22 of the Freedom of Information Act 2000 (the Act).

I now intend to respond to you by 23rd June. I need to highlight that the slight delay was in part caused because I am of the opinion that I am not obliged to respond to your request because, in line with the Information Commissioner's guidance, I consider the request to be vexatious under Section 14(1) of the Act but I will not rely on this if the information is or is about to be in the public domain.

Yours Sincerely,

Lucianne Pharoah

On the 24th June, I received:

Dear Mr Belchamber,

Our reference - 2011- 178

Thank you for your request dated 26th April 2011 which was then extended on the 1st June 2011. The information referred to below was published late yesterday and so was not available until now.

You asked the following;

Could you please detail to me the COST OF PROVISION of the course (per person), and what makes this up?

Your request has now been considered and we provide our response below.

Section 17 of the Act requires Dorset 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.

For your request as a whole the exemption provided by Section 21(1) – Information reasonably accessible by other means – is engaged.

Section 21 - All information that is available relating to your request can be found within the following documents which are available on the Dorset Police Authority website;

http://www.dpa.police.uk/pdf/PA230611_24_SEES_Financial_Outturn_Year_Ending_31_March_2011.pdf

I would like to take this opportunity to thank you for your interest in Dorset Police. Should you have any further inquiries concerning this matter, please write or contact me on telephone number 01202 223402 quoting the reference number.

Dorset Police provides you the right to request a re-examination of your case under its review procedure. If you decide to request such a review you should address your request to the Head of the Information Compliance Unit, Professional Standards Department, Dorset Police Headquarters, Winfrith, Dorchester, Dorset DT2 8DZ or foi@dorset.pnn.police.uk. You have a further right to ask the Information Commissioners Office to decide whether or not your request has been appropriately dealt with, but they will not consider your complaint until the Dorset Police Review Procedure has been concluded.

Yours Sincerely,

Lucianne Pharoah

Therefore, I discovered that the course "profit", which the DfT had told me there should not be, was in fact not just a profit but a totally obscene 150% (at the very least and quite probably higher). Hence my next message to Dorset Police, sent on the same day:

Thanks.

So I can see that in 2010 / 2011, 20,507 attended the course at a total cost of £813,000, resulting in a cost per person of

$813,000 / 20,507 = £39.65$.

But you have not answered my question about what makes this cost up. £39 seems very high to for 1 person to attend a course where such high numbers are processed. Please can you provide a breakdown of the £813,000 as originally requested.

Nonetheless, a 150% profit, where there the Dft have said there should be no surplus, and with Dorset being the highest charging council, and with the Dft of the opinion that they have successfully removed financial motivation to set enforcements, has clearly demonstrated how seedy this ghastly business has become. I also note that in section 7 of the document you refer to, 2 of the objectives of DAS are "to improve internal and external police relationships" and "improve the public perception of Dorset Road Safe".

WHAT THE HECK IS WRONG WITH THE POLICE IN DORSET - the only way you will achieve these objectives is to STOP TRYING TO MAKE SO MUCH MONEY and to put proper cops on the road looking for DANGEROUS DRIVERS. The income will come from a smaller number of higher fines for more serious offences and properly reducing KSI costs. The £1m cost you mention for a death is clearly complete nonsense but if you believe it, you have to just save 2 lives to equal the income from courses. One single traffic cop could achieve much more than this. STOP THROWING OUR MONEY DOWN THE DRAIN ON SPEED CAMERAS, MOBILE OR FIXED, and the ridiculous "no excuses" operations which proudly announce numbers of fines and some of the silly things said without providing any evidence of casualty reduction - something that would probably be deeply offensive to anyone effected by road trauma.

I look forward to your response about breakdown of the £813,000. I also note that the "Speed on green" camera will be relocated. Please could you let me know where to.

I clarified the request on the 27th June:

Please could you acknowledge my request for information:

1. Breakdown of the £813,000 cost of provision of driver awareness courses. I expect a rapid response on this as the question was originally asked 2 months ago.
2. New location for the speed on green camera.

By the 30th June I still had no acknowledgement so I asked:

Please can you acknowledge this request and let me know immediately what will be done about point 1 as it is at least a month overdue.

By the 4th July I still had no acknowledgement so I sent:

Dear Lucianne / Dorset Police,

I am getting read receipts so I know you are getting my emails but I'm not getting any responses. I am simply asking for an update about my request for breakdown of the £813,000 cost of driver awareness courses, now well over a month overdue.

If it is not your intention to provide this information then please could you forward this to the "Head of the Information Compliance Unit" in order to start a review as mentioned below. If I still hear nothing in the next few days I will have to assume that you are refusing to answer this question, or review it, and will forward this directly to the information commissioner and inform them as such.

Regards, Ian Belchamber

By the 7th July 2011 I still had no acknowledgement so I sent:

Dear Lucianne / Dorset Police / FOI,

This is my last attempt to get some kind of communication out of you about my reasonable request for information. ALL I AM ASKING FOR is a simple reply, and a statement about the progress of my request. If I hear nothing by the end of the week I will forward this to the information commissioner, stating that you have refused to communicate or review, and raise further complaints about Dorset Police and in particular FOI staff for unacceptable levels of communication.

On the 12th July I registered the complaint with the ICO, I received the acknowledgement on the 18th August 2011, FS50403659

Dear Mr Belchamber

Information request to Dorset Police.

Thank you for your correspondence of 12 July 2011 in which you complain about Dorset Police's refusal of your information request. Please accept our apologies for the delay in responding, which was due to the volume of correspondence we are currently dealing with.

The right to complain to the Information Commissioner is given under section 50 of the Act. However, a complaint may be deemed ineligible under section 50, if for example:

- there is an undue delay before bringing a complaint to our attention, or
- you have not exhausted any complaints procedure which is provided by the public authority.

Therefore, before accepting complaints, the Commissioner generally expects complainants to allow public authorities the opportunity to respond to their appeal for a review of the handling of or decision regarding their FOI request.

Although there is no statutory time set out in the Act within which public authorities must complete a review, the Commissioner has issued guidance on this matter (Good Practice Guidance 5). The Commissioner considers that a reasonable time for completing an internal review is 20 working days from the date of the request for review, and in no case should the total time taken exceed 40 working days.

I note that you formally asked Dorset Police to undertake such a review, in your email of 4 July 2011. When you wrote to this office on 12 July 2011 that 20 working day period had not elapsed so you would not yet have exhausted the review procedure with Dorset Police.

This case has now been closed, however if you have still not received the review response please write to let us know.

If you have now received the review response from Dorset Police, and remain dissatisfied, please contact us quoting the reference number on this email and providing us with a copy of the internal review decision.

Your case will then be re-opened and progressed to a complaints resolution team.

I have attached a fact sheet explaining our approach to handling complaints. Should you have any questions about this please let me know.

Yours sincerely

Bernard McNally

I replied:

Hello,
Thanks for your update.
Apologies if I sent this to you before the 20 day deadline, due to the history which you can see in the emails and the fact that Dorset Police actually seemed to be refusing to even communicate about anything, it seemed much longer than this.
However, even now, I have still heard nothing, so I would greatly appreciate it if you could reopen and progress this case.
Regards, Ian Belchamber

On the 1st November 2011 I received:

Our ref: FS50403659
Dear Mr Belchamber,

Freedom of Information Act 2000
Dorset Police

I write in connection with your complaint concerning your information request to Dorset Police. Further to our telephone conversation of yesterday I write to confirm that this case has been allocated to me and my understanding of the scope of your complaint. I will also set out the action I have taken so far to resolve this case.

Your request was made on 26 April 2011 and was worded as follows:

“Could you please detail to me the cost of provision of the [speed awareness] course (per person), and what makes this up?”

My understanding is that your complaint concerns the apparent failure by Dorset Police to address the part of this request that asked for what the cost of the speed awareness course is made up of.

I have contacted Dorset Police and have asked that it either now contact you with a response to that part of your request, or supply to this office a copy of any previous response which addressed this request. I will contact you again once I have received a response from Dorset Police.

In the meantime if you wish to contact this office in connection with this case, please direct any communications to me.

Yours sincerely,
Ben Tomes

I finally received from Dorset Police on the 25th November:

Dear Mr Belchamber,
Reference FOI Request 2011-178

You asked the following;

Could you please detail to me the cost of provision of the [speed awareness] course (per person), and what makes this up?

In relation to the above request we now provide the following information;

The cost per attendee of providing a Driver Awareness Scheme course is £73. This is based on the provision of 20,000 courses per annum at a total cost of £1,457.8m, as follows:

2011/12 Budget (£000's)

Staffing Cost 522.3

Premises Costs 153.8

IS Charges 71.4

Travel & Transport 12.5

Course Hospitality Expenses 2.0

Interpreters Fees 17.5

Postage 22.5

Printing & Stationary 12.1

Minor Course Expenses 5.0

Payment Processing Charges 10.0

Contribution towards Cost of Dorset Road Safe 548.7

Force 'Back Office' Services 60.0

SEES Command (C&CJ) 40.0

Grand Total 1,457.8

The cost per course is £105. The balance of funding collected through the Driver Awareness Scheme enables the Force to invest further in road safety:

The total cost of providing road safety in the Force is approximately £6m. This includes proactive work such as the direct costs of the 'No Excuse' campaign, and work with schools, and organisations such as Streetwise. It also includes the cost of responding to traffic accidents and ensuring the roads are kept safe for other users in such an event.

Since the introduction of the Dorset Road Safe Partnership (previously Dorset Safety Camera Partnership), there has been a 63% reduction in fatalities as a result of road accidents, and a 35% reduction in serious injuries (2002/03 – 2010/11). There are clearly many factors that have influenced this reduction, but there can be no doubt that the appropriate use of enforcement and the provision of focussed and impactful education has had a significant bearing on this result.

Yours Sincerely,

Lucianne Pharoah

I replied on the same day:

Thanks very much for this information, but it is not detailed enough so raises more questions than it answers. Please could you consider the following points as a new FOI request, although I'd very much this answered within 20 days this time, rather than 7 months. Please acknowledge within the new few days.

1. The document you originally referred me to showed the "provision of Driver Awareness Scheme" for 2010/11 as £813,000. You are now telling me that the cost is £1.457m. Could you explain this apparent discrepancy?
2. Please could you detail the Staffing costs, numbers of staff, duties, salaries, and if any of these staff receive any other payments for any other duties.
3. Please could you detail the Premises costs. What premises are used for the courses, who owns the premises, who is the payment made to?
4. Please could you detail the IS charges.
5. The "contribution towards cost of Dorset Road Safe" is clearly not part of the cost of provision of courses – perhaps this explains some of the discrepancy noted in point1? But then I would expect the true cost to be $1457 - 548.7 = £908,000$, could you explain.
6. Please could you detail "Force back office" service
7. Please could you detail SEES Command.

On the 29th November, I received from the ICO:

Our ref: FS50403659
Dear Mr Belchamber,
Freedom of Information Act 2000
Dorset Police

I write further to my email of 1 November 2011. In that email I advised you that I had contacted Dorset Police and asked it to contact you with a response to your request for what the cost of the speed awareness course is made up of.

As you will by now be aware, Dorset Police emailed you on 25 November 2011 providing you with the detail requested. My assumption at this stage is that you will now be satisfied with the information that has been disclosed and are willing for this case to be closed.

If you do not wish this case to be closed at this stage, please respond to this email confirming this and state what issues you wish this office to now consider. If I have not received a reply from you by 9 December 2011, I will assume that you are now satisfied and will close this case.

Yours sincerely,
Ben Tomes

I replied on the same day:

Hello Ben,

Many thanks, I did get a response from DP, although after 7 months, and severely lacking in detail.

I have responded asking for additional detail, as a new request, and have received acknowledgement. Perhaps you can keep the case open at least for the time being until the question has been answered in sufficient detail?

The response I received, and my reply, are below. **(now visible as the messages above of the 25th Nov)**

Regards, Ian Belchamber.

I received back on the 1st December 2011:

Dear Mr Belchamber,

Whilst I appreciate that your new request closely relates to your previous request, it would be more appropriate for your new request to be the subject of a separate case if necessary. If, after you have received a response to this request and have been through the internal review process, you remain dissatisfied, please contact this office again. At that stage a case relating to your new request will be created and investigated.

If you have any outstanding issues in relation to your request of 26 April 2011, please set these out in response to this email. If there are no outstanding issues in relation to that request, this case will be closed.

Yours sincerely,

Ben Tomes

On the 23rd Dec 2011 I received from Dorset Police:

Following receipt of your request, searches were conducted within our Finance Department to locate the information relevant to your request.

Dorset Police will hold some information relevant to your request but it will be held within individual records across different business areas within Dorset Police. This means that the information you require is not held in a centrally retrievable format and as a result answering your request would require a manual check of all such records within the relevant business areas across the force. We are not required to do this under the Freedom of Information Act and I detail the legal rationale for this below. Practically speaking we do not hold the information in a format that allows us to extract information relevant to your needs within cost.

Section 17 of the Act requires Dorset 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 applicable to the information requested is:

Section 12: Information is exempt if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

This appropriate limit is defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 and for local authorities, including Dorset Police, amounts to the standardised cost for 18 hours work.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I replied on the same day:

Dear Dorset Police / FOI,

I am not satisfied with your response.

1. Any competent organisation holds proper records concerning it's finances. How can it otherwise know if finances are being properly and efficiently managed? The fact that you claim that the data is held "across different business areas" is no excuse for not providing it, let alone failure to provide ANY of it.

2. If discovering (for example) what staff duties / salaries are involved in delivering courses requires an investigation resulting in any cost, this is proof that Dorset Road Safe / Dorset Police are completely out of control with this.

3. Your reason for refusal seems to be that more than 18 hours work would be involved. This would be more than 2 hours for each of my very simple questions, I repeat, if this much time is needed to find out where significant amounts of public money are going this indicates very serious negligence / carelessness (or worse) by Dorset Police.

Please will you now provide proper answers to my questions or conduct an internal review as the first stage in referring this to the Information Commissioner.

I remind you that in a few months I will have been waiting for a proper answer to this for a whole year. These continuing attempts to hide the financial details of Dorset Road Safe are sickening and simply reinforcing everything I have ever said about them. If the financial arrangements of DRS were decent and competent I'm sure I would have had a full and proper response in less than a week.

Ian Belchamber

I received no acknowledgement, asked for it on the 4th Jan 2012, and received it on the 5th Jan 2012.

Dear Mr Belchamber,

I write to acknowledge your request for an Internal Review. The matter has now been passed to our designated Freedom of Information Reviewer and you will receive a response by the 20th January 2012.

Yours Sincerely,

Lucianne Pharoah

On the 26th Jan 2012, after the 20 day deadline, I had yet again not heard anything. I wrote:

This is properly overdue, please can you respond now.

I had still heard nothing late on the next day, so I wrote:

Dear Dorset Police,

I have to complain (again) about your FOI department. Another item (related to the same item I have been trying to get answers for for nearly a year now) has gone overdue with no communication.

Please can you:

1. Ensure that this item is now dealt with immediately
2. Review the competence of your FOI staff and explain to me what will be done to bring the performance of your FOI department up to satisfactory levels

Regards, Ian Belchamber

I then received a letter from Mike Glanville of Dorset Police explaining that Dorset Police would not respond to any current or future FOI requests. This, and my response, can be seen here:

<http://www.dorsetspeed.org.uk/news/sog98.aspx>

Although I wrote a full and proper response answering every single one of Mike Glanville's points, I received no reply.

I then passed this to the Information commissioner and received the response on the 16th Feb, case FS50433957. It is this case about which I am appealing.