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|  | Our Reference: FOI/105263 |   | October 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

***In a Parliamentary Answer that was released in Hansard on 21 May 2012 to Priti Patel MP [Ref: Community Orders] the Ministry of Justice provided a table showing the number of community orders previously issued to each of the 10 recorded offenders sentenced to community service for an indictable or trial either way offence in the 12-month period to the end of September 2011 and who had received the most community sentences previously.***

***1.            Please could you provide me with a similar table using the 12 month period ending December 2015, and stating what that time period is.***

***2.            For the person who had previous been given the most community sentences please provide me with a table showing (a) what type of crime that person had been convicted of previously that let the community sentences being imposed and (b) how each of the previous community sentences had been concluded ie. Completed, reoffended, failed to complete etc.***

***3.            For the person who had previous been given the most community sentences please state what type of offence they were convicted of most recently that led to a new community sentence being imposed.***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds some of the information you have requested and I am pleased to provide this information in the tables below.

**Question 1**

Table 1 below illustrates the number of previous community sentences for those 10 offenders with the highest number of previous community sentences, whose last community sentence was received in 2015.



**Question 2**

Table 2 illustrates the offence type break down for the offender with the highest number of previous community sentences identified in question 1.



I can confirm that the MoJ does not hold the information that you have requested in question 2b. To establish whether the information was held I conducted a thorough search, and made enquires with the following area:

* Police National Computer (PNC)

If the information was held by MoJ it would have to be held by the above mentioned system. It may help if I explain that reoffending data is obtained using a combination of data held on the PNC and Probation IT systems. Information on terminations to community sentences are held on Probation IT systems which has details as to why an order was completed, including “Ran their full course”, Terminated early for; “Good Progress”, “Failure to comply with requirement”, “conviction of offence” and “other reason”. However from the information available on these two large administrative databases it is not possible to conclusively attach the outcomes from the Probation IT systems to the extract from Police National computer held by the Ministry of Justice.

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

**Question 3**

The offender with the most previous community sentences identified in question 1, was sentenced for a theft offence on their most recent sentencing occasion in 2015 where a community sentence was given.

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The figures provided have been drawn from an extract of the Police National Computer (PNC) data held by the Department. The PNC holds details of all convictions and cautions given for recordable offences and include a number of offences where it is not possible for offenders to be given a custodial sentence. As with any large scale recording system the PNC is subject to possible errors with data entry and processing so data provided may be subject to revision.

Since 2010 crime has fallen and fewer people are entering the criminal justice system. Sentencing is a matter for the independent judiciary, who make their decisions based on the facts of each case.

You can also find more information by reading the full text of the FOIA (available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>) and further guidance <http://www.justice.gov.uk/guidance/freedom-of-information.htm>.

**EXPLANATION OF INFORMATION HELD FOR THE PURPOSES OF THE ACT**

We have provided below additional information for information held for the purposes of the Freedom of Information Act. We have included some of the guidance we use when considering requests for information. I hope you find this information useful.

**Is the information 'held' for the purposes of the Act?**

A person may request any information 'held' in any recorded form by a public authority (or held by another on behalf of a public authority).

If the requester is asking for an opinion on an issue or asking for information that is not already held to be created, this is not a Freedom of Information Act request.

**Information covered by the Act**

All recorded information 'held' by a public authority is within the scope of the Freedom of Information Act. It includes files, letters, emails and photographs and extends to closed files and archived material.

**Recorded information**

The right of access applies to information recorded in any form. This includes:

* information that is held electronically (such as on a laptop computer or an electronic records management system)
* information that is recorded on paper (such as a letter, memorandum or papers in a file)
* sound and video recordings (such as a CD or videotape)
* hand-written notes or comments, including those written in note pads or on Post-it notes

**Is the information 'held' under the Freedom of Information Act?**

'Holding' information includes holding a copy of a record produced or supplied by someone else. However, if a public authority only holds information on behalf of someone else, for example a department holding trade union information on their computer system, then that public authority may not have to provide the information in response to a Freedom of Information Act request.

In some cases, it may not be clear whether information which is physically present on your premises or systems is properly to be regarded as 'held' by your public authority, for the purposes of the Freedom of Information Act. Examples include:

* private material brought into the office by ministers or officials
* material belonging to other people or bodies
* trade union material
* constituency material
* material relating to party political matters.