|  |  |
| --- | --- |
| Ministry of Justice | September 2017 |

**Freedom of Information Act (FOIA) Request –** 170901017

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

**I’m interested in criminal justice actions against people who have breached the terms attached to Public Space Protection Orders between October 2014 and June 2017. Please break the data down by specific age, gender, criminal justice area, and if possible ethnicity. Please provide information on: 1. How many fixed penalty notices have been issued for breach of a PSPO in the specified time period? 2. How many prosecutions have there been for breach of a PSPO in the specified time period? 3. How many convictions have there been for breach of a PSPO in the specified time period? 4. How many fines have there been for breach of a PSPO in the specified time period?**

and

**I’m interested in criminal justice actions against people who have breached the terms attached to Community Protection Notices between October 2014 and June 2017. Please break the data down by specific age, gender, criminal justice area, and if possible ethnicity. Please provide information on: 1. How many fixed penalty notices have been issued for breach of a Community Protection Notice in the specified time period? 2. How many prosecutions have there been for breach of a Community Protection Notice in the specified time period? 3. How many convictions have there been for breach of a Community Protection Notice in the specified time period? 4. How many fines have there been for breach of a Community Protection Notice in the specified time period?**

and

**I’m interested in criminal justice actions against people who have breached Dispersal Orders contained in the ASB, Crime and Policing Act 2014 between October 2014 and June 2017. Please break the data down by specific age, gender, criminal justice area, and if possible ethnicity. Please provide information on: 1. How many prosecutions have there been for breach of a dispersal order in the specified time period? 2. How many convictions have there been for breach of a dispersal order in the specified time period? 3. How many fines have there been for breach of a dispersal order in the specified time period? 4. How many prison sentences have there been for breach of a dispersal order in the specified time period?**

Your requests have been handled under the FOIA, and aggregated together.

I can confirm that the MoJ holds some of the information that you have requested, and some of the information held is provided in the attached annex, covering up to the end of 2016. The requested breakdowns can be found by filtering the data in table using the dropdown lists provided.

The values to which the police force area (which we interpret as criminal justice areas) and ethnicity codes should be matched can be found in the tabs in the table which are labelled as such. Also, the list prior to filtering includes the full number of prosecutions.

Information for calendar year 2017 is exempt from disclosure under section 44(1)(a) of the FOIA, which refers to prohibitions on disclosure ‘by or under any enactment’ of the FOIA. In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008.

The information you have requested is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. It is intended for publication on 17 May 2018. As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to sections 11 and 13 of the (SRS Act 2007).

The MoJ is obliged under section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for statistics designated as National Statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. I can confirm that the MoJ does publish information on prosecutions and convictions for specific offences for 2017, as part of National Statistics. Therefore, to now disclose as part of your FOI request, will violate the provisions of section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under section 44(1)(a) of the FOIA.

Section 44 is an absolute exemption and does not require a public interest test.

The information for 2017 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication. The annual criminal statistics publication is planned for publication on 17 May 2018.

This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

**Public interest considerations favouring disclosure**

* Disclosure would improve transparency in the operations of Government, and of the justice system in particular.

**Public interest considerations favouring withholding the information**

* It is in the public interest to adhere to the existing publication process for official statistics, which includes time for the data to be collated and properly verified.
* It is in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

We reached the view that, on balance, the public interest is better served by withholding this information under section 22 of the FOIA at this time.

We are not the appropriate authority for statistics regarding fixed penalty notices (FPNs) on breaches of Public Spaces Protection Orders and Community Protection Orders. These are issued by local authorities and if you wish to make an FOI request of these authorities they would each have their own procedures.

Breach of a dispersal order can **only be dealt with** by prosecution, as per the below link to the subject on the Crown Prosecution Service (CPS) website

<http://www.cps.gov.uk/legal/d_to_g/dispersal_orders/>