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|  MoJ_BLK_SML |  |  |
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|  | **Our Reference:** 106603 |   | **June 2017** |

**Freedom of Information Request**

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

**a) For each prison in the UK in 2013 please state:**

**1. the number of employees suspended from duty?**

**2. the number of employees finally dismissed from duty?**

**3. the number of employees transferred to another prison establishment?**

**b) For each prison in the UK in 2014 please state:**

**1. the number of employees suspended from duty?**

**2. the number of employees finally dismissed from duty?**

**3. the number of employees transferred to another prison establishment?**

**c) For each prison in the UK in 2015 please state:**

**1. the number of employees suspended from duty?**

**2. the number of employees finally dismissed from duty?**

**3. the number of employees transferred to another prison establishment?**

**If all three questions would take it over the cost limit, please provide answers for B and C. If this still goes over the cost limit, please provide an answer for C.**

This request for information is related to a previous Freedom of Information (FOI) request (Ref 105739).

**For each prison in the UK please state across the period 1st January 2013 to 3rd June 2016:**

**a) the number of employees suspended from duty**

**b) the number of employees finally dismissed from duty**

**c) the number of employees transferred to another prison establishment**

A response to FOI 105739 was sent to you on 1 July 2016, an extract of which can be found in Annex 1, at the end of this letter.

Both requests have been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the MoJ holds information on suspensions, dismissals and transfers in relation to public sector prisons in England and Wales for the period 1st January 2013 to 31st March 2016.

In respect of prisons in Scotland and Northern Ireland, please note that the information is not held by the MoJ. To obtain the information you will need to contact the Scottish Prison Service and Northern Ireland Prison Service as they may hold the information you have requested. I enclose contact details for them in Annex 2.

**Correction to response to FOI 105739**

The figures issued to you in answer to FOI 105739 were incomplete in that they did not include suspensions in prisons that are not currently operational. A correct set of figures can be found in the accompanying excel workbook.

The figures refer to all dismissals or transfers subsequent to suspensions. They are not necessarily directly related to the suspension. The majority of staff suspended will have subsequently returned to work. We have interpreted questions 2 and 3, concerning dismissals and transfers to relate only to those staff who were suspended and were the subject of question 1.

Suspensions are counted on the basis of whether the suspension start date lies in the period in question. A member of staff who is suspended from duty multiple times in a period is only counted once.

If a request is made for information of a sensitive nature the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the Data Protection Act (DPA). We believe that the release of information on conduct cases, dismissals and suspensions, when broken down by establishment and where the number of cases is two or fewer would risk identification of the individuals concerned, and therefore be unlawful under the DPA as it would be in breach of one or more of the Data Protection Principles. For this reason, MoJ has chosen not to provide an exact count of cases where the true number is two or fewer, including zero.

Where information relating to two or fewer individuals, the precise figure has been suppressed in line with section 40(2) of the FOIA as we are not obliged, under to provide information that is the personal information of another person if releasing would contravene any of the provisions in this DPA. In this instance we believe that the release of information relating to suspension from duty of two or fewer individuals would contravene the first data protection principle and therefore section 40(2) is engaged. It is my opinion that information on suspensions is personal information that the individuals could reasonably expect not to be made public. Disclosing the exact number where there are two or fewer cases (including zero) at a given prison establishment could risk identification of the staff involved.

The terms of this exemption in the FOIA mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

**2013 to 2015, questions 1 – 3 (FOI 106603)**

Information on the number of staff suspended at each public sector prison in England and Wales in 2013, 2014 & 2015, and who were subsequently dismissed or transferred to another establishment is contained in the accompanying Excel Workbook.

Figures for 2013, 2014 and 2015 for suspensions, dismissals and transfers have been compiled on the same basis as the figures for January 2013 - March 2016. Where periods of suspension cover more than one year, the suspension is counted only in the first year. A member of staff who is suspended in different years is counted in each year that they are suspended. Figures for Jan 2013 - Dec 2015 cannot be calculated from summing figures for 2013, 2014 and 2015, as a person may be counted more than once.

As before, where information relates to two or fewer individuals, the precise figure has been suppressed in line with section 40(2) of the FOIA.

The National Offender Management Service (NOMS) Conduct and Discipline policy sets out the mandatory policy requirements for HR-based investigations throughout Her Majesty’s Prison Service (HMPS). It covers investigations into staff misconduct and discipline for those directly employed by NOMS (including HMPS). The policy aims to ensure that common minimum standards for Conduct and Discipline are maintained across the estate; and decisions are based on the merits of the individual case and are free from any bias.

Suspension must only be used in exceptional circumstances and must be kept under review throughout the disciplinary process. It is not always necessary for a suspension to last for the entirety of an investigation or disciplinary process. Suspension is not a punitive measure and is normally on full basic pay. Suspension without pay is only likely to be appropriate where the member of staff is in prison custody, has been convicted of a serious criminal offence or has admitted to an offence under Police caution.

In some instances it may not be appropriate for a member of staff to remain at their normal place of work whilst they are under investigation or facing disciplinary charges. Any changes to normal working patterns as a result of an investigation can be stressful for the individual concerned and potentially costly for the Service. As such, managers should only move a member of staff or suspend them in cases where there is a particular business risk or risk to an individual that cannot be mitigated through alternative methods.

**Annex 1 - Extract of Response to Previous FOI (Ref 105739)**

[Please note: The figures issued in this table have subsequently been corrected]

Information on the number of staff suspended at each public sector prison in England and Wales in the three years and three months between January 2013 and March 2016 and who were subsequently dismissed or transferred to another establishment is contained in the table below. The figures refer to all subsequent dismissals or transfers, which were not necessarily directly related to the suspension. The majority of staff suspended would have subsequently returned to work. We have interpreted questions 2 and 3, concerning dismissals and transfers to relate to the staff who were suspended and were the subject of question 1.

**Table 1: Staff Suspended From Public Sector Prisons With Start Date of Suspension Between 1 January 2013 and 31 March 2016 and who were Subsequently Dismissed or Transferred to another Establishment**

|  |  |  |  |
| --- | --- | --- | --- |
| **Prison Establishment** | **No. of employees Suspended** | **Suspended employees dismissed** | **Suspended employees transferred** |
| Askham Grange | 3 | ~ | ~ |
| Aylesbury | 4 | ~ | ~ |
| Bedford | 8 | ~ | ~ |
| Belmarsh | 16 | 3 | ~ |
| Brinsford | 4 | ~ | ~ |
| Bristol | 11 | ~ | ~ |
| Brixton | 3 | ~ | ~ |
| Buckley Hall | 4 | ~ | ~ |
| Bullingdon | 9 | ~ | ~ |
| Bure | 6 | ~ | ~ |
| Cardiff | 4 | ~ | ~ |
| Channings Wood | 14 | ~ | ~ |
| Chelmsford | 10 | 4 | ~ |
| Coldingley | 3 | ~ | ~ |
| Cookham Wood | ~ | ~ | ~ |
| Dartmoor | 6 | ~ | ~ |
| Deerbolt | 8 | ~ | ~ |
| Dover | 6 | ~ | ~ |
| Downview | 3 | ~ | ~ |
| Drake Hall | ~ | ~ | ~ |
| Durham | 6 | ~ | ~ |
| East Sutton Park | ~ | ~ | ~ |
| Eastwood Park | 8 | ~ | ~ |
| Elmley | 3 | ~ | ~ |
| Erlestoke | 4 | ~ | ~ |
| Featherstone | 6 | ~ | ~ |
| Feltham | 15 | ~ | ~ |
| Ford | 3 | ~ | ~ |
| Frankland | 7 | ~ | ~ |
| Full Sutton | 6 | ~ | ~ |
| **Prison Establishment** | **No. of employees Suspended** | **Suspended employees dismissed** | **Suspended employees transferred** |
| Garth | 7 | ~ | ~ |
| Gartree | ~ | ~ | ~ |
| Glen Parva | 7 | ~ | ~ |
| Grendon | ~ | ~ | ~ |
| Guys Marsh | 3 | ~ | ~ |
| Haslar | ~ | ~ | ~ |
| Haverigg | 10 | 3 | ~ |
| Hewell | 25 | 6 | ~ |
| High Down | 17 | ~ | ~ |
| Highpoint | 6 | ~ | ~ |
| Hindley | 9 | ~ | ~ |
| Hollesley Bay | ~ | ~ | ~ |
| Holloway | ~ | ~ | ~ |
| Holme House | 10 | ~ | ~ |
| Hull | 6 | ~ | ~ |
| Humber | 4 | ~ | ~ |
| Huntercombe | ~ | ~ | ~ |
| Isis | 7 | 4 | ~ |
| Isle of Wight | 5 | ~ | ~ |
| Kennet | 3 | ~ | ~ |
| Kirkham | 3 | ~ | ~ |
| Lancaster Farms | 3 | ~ | ~ |
| Leeds | 6 | ~ | ~ |
| Leicester | 8 | ~ | ~ |
| Lewes | 6 | 3 | ~ |
| Leyhill | 3 | ~ | ~ |
| Lincoln | 8 | 3 | ~ |
| Lindholme | 7 | 4 | ~ |
| Littlehey | 13 | 6 | ~ |
| Liverpool | 9 | ~ | ~ |
| Long Lartin | 17 | 4 | ~ |
| Low Newton | 3 | ~ | ~ |
| Maidstone | 11 | ~ | ~ |
| Manchester | 26 | 7 | ~ |
| Morton Hall | 3 | ~ | ~ |
| New Hall | ~ | ~ | ~ |
| North Sea Camp | ~ | ~ | ~ |
| Norwich | 12 | ~ | ~ |
| Nottingham | 11 | ~ | ~ |
| Onley | 5 | ~ | ~ |
| Pentonville | 16 | 6 | ~ |
| Portland | 7 | ~ | ~ |
| Preston | ~ | ~ | ~ |
| Ranby | 7 | ~ | ~ |
| **Prison Establishment** | **No. of employees Suspended** | **Suspended employees dismissed** | **Suspended employees transferred** |
| Risley | ~ | ~ | ~ |
| Rochester | 7 | ~ | ~ |
| Send | 4 | ~ | ~ |
| Stafford | ~ | ~ | ~ |
| Standford Hill | ~ | ~ | ~ |
| Stoke Heath | 5 | ~ | ~ |
| Styal | 4 | ~ | ~ |
| Sudbury | 3 | ~ | ~ |
| Swaleside | 7 | 3 | ~ |
| Swansea | 7 | 3 | ~ |
| Swinfen Hall | 3 | ~ | ~ |
| The Mount | 12 | ~ | ~ |
| The Verne | 8 | 5 | ~ |
| Usk/Prescoed | 4 | ~ | ~ |
| Wakefield | 16 | 4 | ~ |
| Wandsworth | 23 | 5 | ~ |
| Warren Hill | ~ | ~ | ~ |
| Wayland | 5 | ~ | ~ |
| Wealstun | 6 | ~ | ~ |
| Werrington | 9 | ~ | ~ |
| Wetherby | 17 | 5 | ~ |
| Whatton | 4 | ~ | ~ |
| Whitemoor | 9 | ~ | ~ |
| Winchester | 9 | ~ | ~ |
| Woodhill | 13 | ~ | ~ |
| Wormwood Scrubs | 15 | 9 | ~ |
| Total | 699 | 162 | 26 |

~ where information relates to two or fewer individuals the precise figure has been suppressed in line with section 40(2) of the Freedom of Information Act (FOIA)

We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in this Act. In this instance we believe that the release of information relating to suspension from duty of two or fewer individuals would contravene the first data protection principle and therefore section 40 (2) is engaged. It is my opinion that information on suspensions is personal information that the individuals could reasonably expect not to be made public. Disclosing the exact number where there are two or fewer cases (including zero) at a given prison establishment could risk identification of the staff involved.

The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

**Annex 2 – Contact details for Scottish Prison Service and Northern Ireland Prison Service**

Scottish Prison Service Headquarters,

Communications Branch

Room G20

Calton House

5 Redheughs Rigg

Edinburgh

EH12 9HW

Tel.0131 244 8745

Email: gaolinfo@sps.pnn.gov.uk

Northern Ireland Prison Service Headquarters

Dundonald House

Upper Newtownards Road

BELFAST

BT4 3SU

Phone : 028 9052 2922

Email : info@niprisonservice.gov.uk