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| Ministry of Justice | November 2017 |

**Freedom of Information Act (FOIA) Request –** 171121015

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

**Q1. How many people have been arrested under section 76 of the serious crime act 2015, since its inception.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q2. Of those people arrested (Q1) how many were men and how many were women.**

**a) Merseyside area**

**b) Cheshire area**

**c) England and wales**

**Q3. Of those men and women who were arrested, how many were in same sex relationships.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q4. How many people have been convicted under section 76 of the serious crime act 2015.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q5. Of those people convicted (Q4) how many were men and how many were women.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q6. Of those men and women who were convicted, how many were in a same sex relationship.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q7. Of those people convicted (Q4) how many received a custodial sentence.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q8. Of those people who received a custodial sentence, how many were men and how many were women.**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

**Q9. Of those men and women who received a custodial sentence, how many were in a same sex relationship**

**a) Merseyside area**

**b) Cheshire area**

**c) England & Wales**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds some of the information that you have requested.

No court proceedings took place in England and Wales under this legislation in 2015. The attached annex provides some of the information (answering questions 4, 5, 7 and 8) as requested for 2016.

The information concerning the exact sort of relationship involved in the case (as per question 6 and 9), whether same-sex or otherwise, is exempt from disclosure under section 32 of the FOIA because it is held in a court record rather than centrally by the Ministry of Justice.

Under section 32(1)(c) information is exempt if it is a document created by a member of the administrative staff of a court for the purposes of proceedings in a particular cause or matter.

Some of the information, which covers 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 court proceedings and sentencing for offences of coercive control, 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. Please note that whilst quarterly court proceedings and convictions headline data are published and are currently available up to end March 2017, these data are subject to revision as later quarters are published, and are finalised only when the annual publication is made publicly available. To ensure consistency of data released to users, further breakdowns (in this case by specific offences under certain legislation) of 2017 quarters 1 and 2 (January to June) data are not available until the annual criminal statistics publication is published 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.

Arrest data (pertaining to questions 1 to 3) is not held by the Ministry of Justice, and hence we are not the appropriate authority to contact for this. The Home Office holds some arrest data, and can be contacted on the below address:-

Crimeandpolicestats@homeoffice.gsi.gov.uk

Police forces would also have their own individual FOI processes for their arrest statistics. I have provided the contact details for Merseyside and Cheshire Police forces due to your specific interest in these two:-

<https://www.merseyside.police.uk/about-us/our-organisation/freedom-of-information-act/>

<https://www.cheshire.police.uk/about-us/freedom-of-information/>