



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

XXXX
XXXX

data.access@justice.gsi.gov.uk

May 2018

Dear XXXX

Freedom of Information Act (FOIA) Request – 180423002

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

Please provide me with details of judgements relating to offences under s165 of the Equality Act 2010.

In particular I am seeking:

- total number of judgments in Magistrates Courts and their outcomes**
- total number of offences taken to trial**
- total number of offences resolved without the need for prosecution**
- number of Fixed Penalty Notices or otherwise which allowed for resolution of cases without the need for a trial**

Your request has been handled under the FOIA.

Regarding your first and second Questions, I can confirm that the MoJ holds the information that you have requested and I have provided it below.

We have interrogated our Magistrates' Courts case management and management information systems and have found that since 2010 there have been twelve judgements in our Magistrates' courts relating to offences under s165 of the Equality Act. These cases have had various outcomes including Guilty pleas and No pleas punishable by fine; Not Guilty pleas Dismissed because no evidence was provided; and Conditional Discharge.

If a request is made for information and the total figure amounts to five people or fewer, 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 1998 (DPA). For this reason, MoJ has chosen not to provide an exact figure of each type of case resolution where the true number falls between one and five. However, it should not be assumed that the actual figure represented falls at any particular point within this scale. This is an absolute exemption and does not require a public interest test.

However, I can tell you that our case management and management information systems indicate that none of these twelve cases went to trial.

Notes regarding the above data

- Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that the data have been extracted from large administrative data systems generated by the courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used.
- Data are taken from a live management information system and can change over time.
- These figures have been extracted from live administrative data systems and have not been verified to the same standards as National Statistics.
- The data has not been checked against individual case files.

Regarding your third and fourth Questions, above, I can tell you that the MoJ only holds records on cases that enter the judicial system and does not hold the information in the scope of your request because there is no legal or business requirement for it to do so.

You may wish to contact the Crown Prosecution Service or the Home Office with these questions as they may hold some of the information you requested. Their contact details are:

<https://www.cps.gov.uk>

<https://www.gov.uk/government/organisations/home-office>

respectively.

Please note that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

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