

On 12 May 2016 you submitted a request to this office for information using Freedom of Information Act 2000 legislation. This letter provides responses (shown in blue) to each of those requests.

You specifically asked:

1. *"How many people made up the independent disciplinary panel that considered evidence of former Deputy PCC Yvonne Mosquito's serious misconduct"*

Three people made up the Independent Disciplinary Panel.

2. *"Who were they and who selected the panel and how did they choose the individuals? Please state their roles in the panel ie chair/lawyer and any relevant qualifications they have ie QC."*

The Panel was selected by the Police and Crime Commissioner in accordance with the OPCC's Disciplinary Policy and the variation in the Deputy Police & Crime Commissioner's contract, ensuring clear impartiality through the substitution of the Commissioner with an independent chair.

Winsome Levy was the Panel Chair and is a qualified barrister.

Janet Marsh's role was as an independent panel member.

David Podmore was also an independent panel member.

3. *"Where did the independent disciplinary panel meet to consider the evidence? What was the start and end time of that panel meeting?"*

The disciplinary panel hearing was held at De Vere Venues, Colmore Gate, Birmingham. The hearing commenced 1000 hrs and ended at 1510 hrs.

4. *"Did anyone else attend the disciplinary panel meeting? If so, please name them and state their roles at the meeting."*

The Disciplinary Panel hearing was also attended by –

David Johnson, from West Midlands Employers whose role was adviser to the Panel.

Mark Kenyon who was the Presenting Officer.

Jonathan Jardine, who attended from 1200 hrs onwards and was a witness.

A note taker. The name of this person is being withheld because it is exempt by virtue of Section 40 in that to provide the information would breach the third party's data protection rights.

5. *"Did PCC David Jamieson attend the disciplinary panel meeting and consider the evidence with the members of that panel?"*

The Commissioner did not attend the hearing and did not consider the evidence with members of that panel.

6. *"Was the disciplinary panel minuted and may I have a copy of the minutes taken?"*

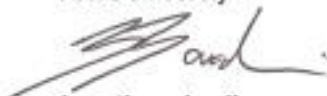
The disciplinary panel hearing was minuted and that information is held by the Office of the Police and Crime Commissioner. However, Section 40(2) of the Freedom of Information Act is applicable. This is an absolute and class based exemption if to provide the information would breach the third party's data protection rights. In this case provision of this personal information would not constitute fair processing of the data and therefore would breach the first of the principles within the Data Protection Act 1998. As this exemption is class based I am not required to identify the harm in disclosure and in this instance I believe that the right to privacy outweighs any public interest in release.

7. *"May I have copies of any written evidence considered by the disciplinary panel? May I also have a copy of the questions asked when any witness statements were taken?"*

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Your attention is drawn to the fact that you do have right to appeal under the OPCC's review procedure, details of which are attached. Any appeal should be submitted within 6 months of the date of this letter.

Yours sincerely



Jonathan Jardine
Chief Executive Officer

Freedom of Information Right of Appeal

Any person who has requested information from West Midlands Office for Policing and Crime and is unhappy with the way their request for information has been handled can request a review of their case.

A request for review must be made in writing by letter, fax or email to the Legal Advisor to the Authority. You should include the reference number of your request if you have it, and outline why you are requesting the review to:

The Legal Advisor
West Midlands Police Office for Policing and Crime
Lloyd House
Birmingham
B4 6NQ

Telephone: 0121 626 6060

Fax: 0121 626 5003

All requests for review will be recorded. Receipt of a request for internal review will be acknowledged and the appellant informed of an estimated date for determining the outcome. West Midlands Police Office for Policing and Crime will attempt to respond to internal reviews as soon as practicable and in any case within two months.

All investigations will be undertaken by the Legal Advisor.

The result of any internal review will be communicated to the appellant outlining the decisions taken.

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 08456 30 60 60 or 01625 54 57 45

Website: www.ico.gov.uk

There is no charge for making a request for internal review or appeal to the Information Commissioner.