

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 December 2020

Public Authority: The Chief Constable of South Yorkshire Police

Address: South Yorkshire Police Headquarters

Carbrook House

Carbrook Hall Road

Sheffield

S9 2EH

Decision (including any steps ordered)

1. The complainant has requested from South Yorkshire Police (SYP) information about allegations that it took a decision not to investigate reports of child sexual exploitation (CSE) in Sheffield. SYP responded by saying that to confirm or deny whether it held the requested information would exceed the appropriate costs limit at section 12(2) of the FOIA.
2. The Commissioner's decision is that SYP was entitled to cite section 12(2) of the FOIA and that it had met its obligations under section 16(1) of the FOIA with regard to the provision of advice and assistance.
3. No steps are required as a result of this decision.

Background

4. The complainant's request quotes an article in a local newspaper, The Star, dated 14 March 2015, which reported on a BBC investigation into allegations that SYP had "turned a blind eye" to CSE in Sheffield:

"Police officers investigating child sexual exploitation in Sheffield were told to 'wind your necks in' by bosses after warning about the scale of the problem, a retired detective has claimed.

A BBC investigation has alleged that senior officers thought car crime, burglary and robbery were bigger priorities than child sexual exploitation, despite detectives in the city warning it was a major problem.

Retired detective Tony Brookes, who spent 30 years with the force, worked on inquiries in 2007 which led to six abusers being convicted, and he wanted to build on the case as he recognised the size of the problem.

He said the issue of child sexual exploitation in Sheffield was 'massive' and bigger than in neighbouring Rotherham, where at least 1,400 children were abused over a 16-year-period.

Mr Brookes said his team was told by a senior officer to 'wind your necks in'.

He said: "I don't think the force wanted to pay. The priorities are robbery, burglary and car crime.

"They are the ones the Government said we want you to tackle, and the resources were spent on that."¹

5. Responding to these allegations at the time, SYP told the BBC that it had secured several convictions for CSE and that a number of CSE enquiries were ongoing. It said it was committed to charging perpetrators of CSE where there was evidence to do so.

Request and response

6. On 10 March 2020, the complainant made the following request for information under the FOIA:

"The Star published the following article with this headline on 15 March 2015²:

"Sheffield officers investigating child grooming 'told to wind necks in' by bosses"

Below the headline is written:

¹<https://web.archive.org/web/20150315021344/http://www.thestar.co.uk/news/local/sheffield-officers-investigating-child-grooming-told-to-wind-necks-in-by-bosses-1-7156412>

² The Commissioner notes that the link provided by the complainant is to an article published on 14 March 2015

"After trying to notify the authorities of one of the worst crimes to have ever been committed on British soil, they shouldn't have dared to 'notice' something about the majority of the perpetrators."³

Please provide the documents to which this article refers.

The article first says;

"Sheffield officers investigating child grooming 'told to wind necks in' by bosses"

Therefore, information sought would include the memo from the "bosses" to the Sheffield officer who were 'told to wind necks in'. The second quote suggests that the reason for ordering council officers to 'wind necks in' was because of fear of creating racist or religious tension.

Therefore, the 'bosses' would have had directions from senior politicians.

There would be internal memos relating to the political decision to cover up child sex exploitation in Sheffield.

Having provided the date and context, it should not now be difficult to fully respond to the request for information.

For your reference []:*

<https://web.archive.org/web/201503150213...>

<http://www.thestar.co.uk/news/local/shef...>

<https://web.archive.org/web/201503150206...>

<http://www.thestar.co.uk/news/local/new-...>

<https://www.bbc.co.uk/news/uk-31859931>

The article subject was also mentioned in The Times.

Having found these references, it is inconceivable that local politicians and SYP child welfare personnel would claim that they were not aware of what was going on.

For example, there would have been many joint meetings

³ The Commissioner notes that this text does not feature in the linked article

between South Yorkshire Police, the Police Authority, The office of the PCC, and third parties such as the local authority.

The minutes of these meetings, and the associated briefings and memos, will be found in the records of SYP."

(*Of the weblinks provided in the request, only the final link worked.)

7. On 11 March 2020, SYP told the complainant that compliance with the request as it stood was likely to exceed the appropriate limit at section 12 of the FOIA. It invited her to be more specific, in an attempt to reduce the request's scope, and, consequently, the costs of complying with it:

"The links you provided to the article are broken and despite open data searches on the star website, I cannot locate it. So can you provide a copy to the ICU [Information Compliance Unit].

Can you also clarify date parameters for any search / any particular individuals involved – you mention the article states "the bosses" / you mention there may be information from senior politicians and memos which relate to a "political decision to cover up" – does the article give an indication of who these senior politicians may be?

As it stands, the request will likely engage a Section 12 Costs Exemption – to locate/retrieve/extract all pertinent data would take longer than the Appropriate Limit. Additionally can I please draw your attention to the ongoing IOPC [Independent Office for Police Conduct] investigation into these matters

[1]<https://policeconduct.gov.uk/news/rother...>".

8. The complainant responded the same day, saying:

"These links are live:

<https://web.archive.org/web/201503150213...>

<https://web.archive.org/web/201503150206...>

<https://www.bbc.co.uk/news/uk-31859931>

I gave a direct quote from the article as it appeared from a screenshot, but I can not attach pictures to this request, which is why I have quoted the article as seen verbatim.

Now that you have access to the article, your further request for clarification is answered.

Accordingly, Section 12 is not engaged.

You have kindly provided a link to the IOPC web site. It refers to investigative intent from 15 May 2019. Unfortunately, neither the report nor any of its contents are available. Therefore it is not possible to see whether the issues raised within this FoI request are addressed."

9. SYP responded to the request on 8 April 2020. It would neither confirm nor deny whether it held the requested information, citing the exemption at section 12(2) (cost exceeds appropriate limit) of the FOIA. It explained:

"...without date parameters, any idea of who the "bosses" or "senior politicians" may be or what exactly to look for, the search is too vast to determine what may be held. For instance, you mention internal memos relating to "cover up" – FOI concerns recorded information – clearly, to search for the phrase "cover up" alone within any information ever recorded by SYP would be onerous.

The cost of providing you with the information requested in respect of your request is well above the amount to which we are legally required to respond".

10. The complainant requested an internal review of the decision the same day. She said that in view of the amount of information she had provided in support of her request, SYP's request for clarification had been unnecessary and she reiterated that compliance with the request would not exceed the appropriate cost limit. She said:

"The articles are in digital format, and the records requested are in digital format.

Therefore, with the correct search parameters, and the applicable dates, i.e. leading UP TO THE DATE OF THE PUBLICATION, the task of identifying, collecting and collating the information would be a relatively simple process.

You have given as an example the phrase 'cover-up'. This appears to be disingenuous. Nowhere are police officers or local authority personal or politicians going to [sic] communicate an instruction to 'cover-up', as to do so would be crass.

However, it is reasonable to assume that, among the relevant papers, the quote along the lines of 'told to wind necks in' would be very quickly found."

11. SYP provided the outcome of the internal review on 1 May 2020. It maintained its original decision, saying:

"...the searches required would bring back so much information that would need reviewing, would [sic] exceed the appropriate limit."

12. The complainant wrote again to SYP on the same day, stating that she continued to disagree with the application of section 12(2) of the FOIA. She considered that to answer the request, SYP should have:

"Provided the details associated with the instruction to officers told "to wind their necks in"

- i.e. identify the officer(s) giving the instruction, and provide the memo making the order

Provided the details of the politician(s) that issued the directive that was passed on to the officers.

- i.e. identify the politician(s) issuing the directive and provide that direction sent to SYP.

Therefore, there is no reason why SYP could not have provided these four pieces of information.

I have provided you with precise dates and references, so any search would be limited to those narrow parameters."

13. The complainant also said she had not been provided with advice and assistance to help her narrow the request so that it might be complied with within the cost limit (section 16(1)).

14. SYP responded on 14 May 2020. It said that it had reviewed the matter a further time and concluded that its decision was correct. It highlighted the following elements of the request as being problematic, in terms of incurring costs:

"In your request, you refer to 'joint meetings' and there was likely to have been a number of meetings conducted that may have discussed this and the meetings could be within other Partnerships, eg. councils etc as well as SYP. If a meeting wasn't led by SYP the minutes of the meeting would belong to the Partnership Chairing the meeting. To search through all meetings lead and held by SYP around this time to find this information would also engage Section 12(2) Exemption.

To help try to clarify the word "bosses", if this was referring to the rank of Inspector and above, in March 2015 we had 262 Officers in these ranks."

Scope of the case

15. The complainant contacted the Commissioner on 12 May 2020 to complain about the way her request for information had been handled. She disagreed with SYP's decision to apply section 12(2) of the FOIA to neither confirm nor deny whether it held the information specified in the request.
16. The analysis below considers whether SYP was entitled to rely on section 12(2) of the FOIA to issue a neither confirm nor deny response. The Commissioner has also assessed SYP's compliance with section 16(1) of the FOIA.

Reasons for decision

Section 12 – cost of compliance exceeds appropriate limit

17. Section 12(2) provides that a public authority is not obliged to confirm or deny whether requested information is held if it estimates that to do so would incur costs in excess of the appropriate limit. In other words, if the cost of establishing whether it holds the information specified in the request would be excessive, the public authority is not required to do so.
18. The appropriate limit is set at £450 for SYP by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations).
19. The fees regulations also provide that a cost estimate must be calculated at the rate of £25 per hour, giving an effective time limit of 18 hours work, and specify the tasks that can be taken into account when forming a cost estimate as follows:
 - determining whether the information is held;
 - locating the information, or a document containing it;
 - retrieving the information, or a document containing it; and
 - extracting the information from a document containing it.
20. The request in this case is specifically for recorded information which documents an alleged decision by SYP not to investigate reports of widespread CSE in Sheffield. While the article cited in the request only refers to the claims of a former police officer that this was the case, the request is predicated on the assumption that there *was* a policy of not investigating reports of CSE, and that recorded information may exist which documents it.

21. SYP's position is that it does not know whether it holds the recorded information described in the request, and that to establish whether it does or does not would exceed the appropriate costs limit.
22. Where a public authority does not know whether it holds the information specified in a request, section 12(2) requires it to estimate the cost of providing confirmation or denial, rather than to formulate an exact calculation. The question for the Commissioner to decide is, therefore, whether the cost estimate in this case was reasonable. If it was, then section 12(2) was engaged and SYP was not obliged to confirm or deny whether it holds the requested information.
23. With regard to the searches which would be necessary to identify whether or not it holds the requested information, SYP advised the Commissioner as follows:

"The full article refers to a police operation "Operation Glover" and the article intimates that the published quotes are linked to this operation. Therefore, searches have been conducted for any document, email, memo, minutes or briefing note that relate to "Operation Glover"."
24. SYP had initially designated the period covered by the request as being 7 February 2007 (when Operation Glover commenced) to 11 March 2020 (the date of the request). However, the complainant had specified the searchable period as being to the date of publication of The Star article (ie 15 March 2015), which reduced the scope of the request by five years. The Commissioner therefore asked it to conduct a search using those parameters.
25. SYP explained that a keyword search of the email archive for the period 7 February 2007 to 15 March 2015, using the search terms "Operation Glover" and "Op Glover", had returned 3229 emails. It said that many of the emails had attachments which would also need to be reviewed to check for relevant information.
26. SYP also conducted a search using the term "wind your neck in", as specified by the complainant. This yielded a further 338 emails. (There is further information about this search in the 'Other matters' section, at the end of this decision notice.)
27. SYP also detailed further, specific departmental and team searches that it had carried out, some of which had also located files on Operation Glover, which would need to be reviewed.
28. SYP said that to confirm whether it held information falling within the scope of the request would require each email or document to be read to identify whether it contained any relevant information. It estimated

that reviewing the emails alone, without looking at any attachments, would take, on average, 30 seconds per email.

29. The Commissioner notes that allowing for an average of 30 seconds to review each of the 3567 emails that the searches had returned would require over 29 hours of work. This clearly exceeds the appropriate limit (a maximum of 18 hours work) specified in the fees regulations. Having considered the information SYP provided to her, the Commissioner considers SYP's estimate, which only takes account of consulting the emails and not the attachments and wider documents, to be a reasonable one.
30. It is important to recognise that the request is specifically for recorded information documenting an alleged decision by SYP not to investigate reports of CSE, and not for information on whether or not SYP's handling of CSE allegations was adequate. On that point, the Commissioner acknowledges that there is evidence in the public domain that individual officers have sometimes failed to respond adequately to particular allegations of CSE in Sheffield⁴. However, the complainant's request is for information on what she believes to have been a deliberate and systemic policy by SYP of non-investigation of CSE, rather than on the failings of individual officers. As set out in paragraph 5, SYP has said that it was committed to charging perpetrators of CSE where there was evidence to do so.
31. The Commissioner notes that Operation Glover was a CSE investigation. The media report that the complainant referred SYP to stated that, at the conclusion of Operation Glover, officers had urged SYP to continue its investigation of CSE in Sheffield. The Commissioner therefore considers that it was reasonable to assume that, should any information falling within the scope of the request be held, it would contain significant references to Operation Glover. She further notes that, in accordance with the complainant's wishes, the search term "wind your neck in" was also deployed.
32. The Commissioner is satisfied that these were reasonable search terms to employ to process the request. The Commissioner also accepts that it would be necessary to inspect each individual record located as a result

⁴ For example, <https://www.thestar.co.uk/news/sheffield-south-yorkshire-police-detective-failed-investigate-child-sex-abuse-claims-444930>, <https://www.thesun.co.uk/news/10701358/girl-15-repeatedly-raped-by-asian-grooming-gang-but-police-failed-to-investigate-when-she-reported-abuse-court-told/>

of the search, to ascertain whether it contains the information described in the request.

33. Taking all the above into account, the Commissioner's decision is that section 12(2) of the FOIA was correctly engaged and that SYP was not obliged to confirm or deny whether it holds the requested information.

Section 16 – advice and assistance

34. Section 16(1) of the FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. In general, where section 12 is cited, in order to comply with this duty a public authority should advise the requester as to how their request could be refined to bring it within the cost limit, albeit, the Commissioner does recognise that where a request is far in excess of the limit, it may not be practical to provide any useful advice.
35. SYP did not provide the complainant with a breakdown or estimate as to how the request would exceed the appropriate limit. However, on receipt of the request it did warn her that section 12 might be engaged and it invited her to specify the time period covered by the request (which, on the face of it, spanned 2007 – 2020) and any names or information which might be used as keywords for targeted searches. As set out above, the complainant did not do this, and she referred SYP instead to the information in the media reports she had provided, for reference. However, when requesting an internal review, she did specify that the end date for the timescale covered by the request should be the date of publication of The Star article, which gives an effective timescale covered by the request of 7 February 2007 - 15 March 2015.
36. SYP subsequently provided information about why the request would be time consuming to comply with, and particular areas which were problematic in that regard, albeit the Commissioner recognises that this was done shortly after it had responded with the outcome of the internal review. Nevertheless, the Commissioner is satisfied that it has now complied with the duty at section 16(1) of the FOIA in respect of the request.

Other matters

37. Although the Commissioner is satisfied that the request engaged section 12(2) of the FOIA, SYP has told the Commissioner that it had nevertheless reviewed each of the 338 emails located in response to the search term "wind your neck in" and that none of them were on matters which related to the subject of this request.

38. Having had regard to the information contained in this decision notice, should the complainant wish to consider narrowing or refocussing the scope of the request, the Commissioner has issued guidance on making requests for information under the FOIA at <https://ico.org.uk/your-data-matters/official-information/>.

Right of appeal

39. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

40. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
41. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Samantha Bracegirdle
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