

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 May 2023

Public Authority: Chief Constable South Yorkshire Police
Address: South Yorkshire Police Headquarters
Carbrook House
Carbrook Hall Road
Sheffield
S9 2EH

Decision (including any steps ordered)

1. The complainant requested information relating to the abuse of vulnerable adults. By the date of this notice South Yorkshire Police (SYP) had not issued a substantive response to this request.
2. The Commissioner's decision is that SYP has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires SYP to take the following step to ensure compliance with the legislation.
 - SYP must provide a substantive response to the request in accordance with its obligations under FOIA.
4. SYP must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 2 December 2022, the complainant wrote to SYP and requested information in the following terms:

“Could you please provide the documented reporting route when a local authority and residential care provider collude in the cover-up of ongoing Abuse by Neglect of vulnerable adults.

Please also provide the contact name and contact email of the appropriate officer that deals with institutional abuse of vulnerable adults.”
6. SYP acknowledged the request on 5 December 2022, but asserted that the complainant needed to provide a full name in accordance with section 8 of FOIA.
7. The complainant did so on 24 February 2023, thus validating their information request.
8. The Council wrote to the complainant on 6 April 2023, stating that their substantive response was attached to the correspondence. No such response was attached to this correspondence, and to date, a substantive response has not been issued.

Reasons for decision

9. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”
10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
11. On 26 April 2023 the Commissioner wrote to SYP, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

12. Despite this intervention SYP has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that SYP did not deal with the request for information in accordance with FOIA. The Commissioner finds that SYP has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF