

## **Freedom of Information Act 2000 (FOIA) Decision notice**

**Date:** 17 October 2022

**Public Authority:** Chief Operating Officer  
Her Majesty's Inspectorate of Constabulary and  
Fire and Rescue Services

**Address:** 23 Stephenson Street  
Birmingham  
B2 4BH

### **Decision**

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1. The Commissioner's decision is that Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMIC) does not hold the information requested.

### **Request and response**

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2. On 26 May 2022, the complainant made the following request for information under the FOIA.  
  
"In 2015 newspaper articles described how Detective Constable Tony Brookes was ordered to 'wind your necks in' and cease investigating child sex exploitation within South Yorkshire Police. Before and since that order, which followed a successful prosecution, HMIC has carried out investigations into SYP. Could you please produce the HMIC report(s) that identify WHO gave those orders, under whose authority, and with whose approval, and WHY."
3. HMIC provided its final response on 18 August 2022 and stated it does not hold the requested information.

## **Reasons for decision**

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4. This reasoning covers whether HMIC stated correctly that it does not hold any information falling within the scope of the complainant's request.
5. The position of HMIC is that it does not hold any "report(s) that identify WHO gave those orders, under whose authority, and with whose approval, and WHY".
6. HMIC explained that it does not investigate forces, but rather it inspects and reports on their effectiveness and efficiency. It also advised that its reports are published and provided a link to its website where these can be searched.
7. The Commissioner accepts that the HMIC's remit is to inspect and report on individual forces effectiveness and efficiency and not to carry out investigations that would identify information relating to the request. Based on this explanation the Commissioner is satisfied that, on the balance of probabilities HMIC does not hold the requested information.
8. The Commissioner does not require any action to be taken by HMIC in relation to this request.

## **Other matters**

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9. The Commissioner notes that throughout the complainant's correspondence to him they assert that the requested information is held and that HMIC has placed itself above the law by refusing to provide it and not dealing with their initial request under FOIA.
10. Whilst he acknowledges the complainant's view, the Commissioner allows public authorities to exercise its discretion if it considers a response can be provided as 'normal course of business' rather than under FOIA.

## Right of appeal

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11. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**