

Your Reference:
Our Reference: FOI/PJ/1002590

Mr David Grothier
By e-mail to:
request-71187-655c83cb@whatdotheyknow.com

27 June 2011

IPCC Contact:
Freedom of Information Officer
Tel: 020 7166 3000
phil.johnston@ipcc.gsi.gov.uk

Dear Mr Grothier,

YOUR REQUEST FOR INFORMATION – FREEDOM OF INFORMATION ACT 2000

Thank you for your e-mail of 7th June 2011 in which you make the following request under the Freedom of Information Act 2000 (FOIA):

Mike Benbow was a superintendent at Dyfed Powys police before joining the IPCC, while at Dyfed Powys Police Benbow was involved in a number of SERIOUS complaints allegations that I brought against Dyfed Powys police. While at the regional office of the IPCC at Cardiff Benbow was still involved with my complaints. I would like an explanation as to this gross conflict of interest

As you may be aware, on receipt of a request public authorities always have two duties under FOIA

1. the duty to inform the requester whether or not the information is held by the public authority (known as the duty to confirm or deny)

and, if the information is held:

2. the duty to provide the information to the requester.

In the case of your request, it is matter of subjective opinion as to whether any information actually exists concerning the 'gross conflict of interest' you describe. I find, therefore, that the information you have requested is not held by the IPCC. Accordingly, the duty to provide you with the information does not apply.

If you are not satisfied with my response under FOIA you may request an independent internal review by our FOI review officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Amanda Kelly
Director of Business Services
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

All emails requesting a review should be sent **directly** to: amanda.kelly@ipcc.gsi.gov.uk

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of FOIA, you are

normally obliged to exhaust the public authority's own internal complaint mechanism before complaining to the Information Commissioner.

On the general subject of the IPCC recruiting former police officers, it may be of interest to you that in its recently published reply to a Home Affairs Committee (HAC) report concerning the work of the IPCC, the Government responded to criticism by the HAC of the extent to which the IPCC is reliant upon staff with a policing background:

The IPCC is an independent body and is responsible for the selection and recruitment of its staff, including investigators. Approximately 30% of IPCC investigators and 11% of IPCC staff overall come from a police background. The remainder of staff come from a diverse range of backgrounds. Former police officers and other staff with investigative experience bring with them a wealth of professional expertise which is required for the IPCC to carry out competent and robust investigations.

The Government has reassurance from the IPCC that there are no circumstances in which an IPCC investigator, with a police background, can investigate a former colleague with whom they have worked. The Commissioners are responsible for ensuring there are no conflicts of interest in the deployment of IPCC investigators.

The IPCC believe that the skills and professionalism of former police officers offer benefits to their work and that the quality of the work, which consistently stands up to rigorous public examination in inquests and criminal trials, is testament to the value of recruiting such former officers.

The full report is available in line at

<http://www.official-documents.gov.uk/document/cm80/8056/8056.asp>

Yours sincerely

Philip Johnston
Independent Police Complaints Commission