

Your Reference:
Our Reference: PJ/1002706

Charlotte Peters Rock
By e-mail to:
request-84213-7cb1b9e6@whatdotheyknow.com

16 September 2011

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Ms Rock,

Re YOUR REQUEST – FREEDOM OF INFORMATION ACT 2000 (FOIA)

Thank you for your e-mail of 27th August 2011 in which you request information under FOIA

On receipt of a Freedom of Information request a public authority is required to comply with two duties. First it must state whether or not the information described in the request (or any part of it) is held at the time the request is received. In general, when no information is held, the public authority has no further obligations in relation to the request. If, however, all or some of the requested information is held by the public authority, then the second duty is engaged and it must disclose that information, unless an exemption applies. It is difficult to apply these duties to several of your questions because they are derived from your personal opinions or because it appears to be your intention to enter into a dialogue rather than to access recorded information that pre-exists your request.

However, our responses are set out below. I would point out that in the case of information held by the IPCC which is accessible to you from the IPCC web site, the IPCC is not obliged to comply with the duty to provide it to you by virtue of the exemption contained in section 21 of the Act, which concerns information reasonably accessible to the applicant by other means. Where the IPCC does not hold any information which is directly relevant to your question, we have where possible, referred you to the information we hold which most closely answers your question.

1. Your web site is currently set up to destroy requests for help, since the form wipes out the request, so that it cannot even be reprinted. Is this a deliberate action on the part of the IPCC to shut down complaints - as South Yorkshire Police Force also shuts down complaints by refusing to deal with them?

We are sorry if you have had problems with the IPCC web site. You should contact the web mater to see if they can be resolved.

2. Also, why does the IPCC refuse to investigate complaints which are put to it? Is this - for instance - no more than a 'desk-clearing' exercise?

Criteria for which matters the police are obliged to refer to the IPCC and our options for deciding which ones should be investigated independently and which can be dealt with by the police themselves are set out in the sections concerning 'Referrals to the IPCC' and 'Mode of

Investigation' in the IPCC Statutory Guidance, available on the web site – please see http://statguidance.ipcc.gov.uk/Pages/initial_handling.aspx

3. As a third point perhaps I can ask why, since you have stated in response to my previous questions (PJ/100664 - Philip Johnston (if that's a real name)) that 'the IPCC has no remit to require the police to undertake criminal investigations', perhaps I can now ask: who has the remit to require that the police should undertake criminal investigations'?

Please see the answer to question 2. The Home Office is the responsible body for questions about the police.

4. What possible remit could the IPCC have, if it is not to 'require that the police should undertake criminal investigations into pre-meditated murder' - as in the case of Ralph Winstanley?

Please see the answer to question 2 regarding the remit of the IPCC.

5. You state, in the answer to my previous questions (PJ/100264) that "the IPCC has not undertaken any investigation of the Chief Constable, Meredydd Hughes, and his senior officers.' Perhaps I can ask why not, since they have refused, over more than 7 (seven) years to undertake any formal investigation into the very well documented (to Senior Officers) pre-meditated murder of Ralph Winstanley - of which the IPCC has been informed?

Reasons for our decisions have been amply explained in previous correspondence.

6. I wish to make a formal request (FOIA/DPA) for all documents which exist at the IPCC, in respect of my father's family's original request that the IPCC should act to investigate this matter. You can check with my sister, Linda Kirby that she agrees that they should be released to me.

As to the papers held by the IPCC in relation to your own complaint, I would be grateful if you would confirm whether you are still residing at the same postal address at which the IPCC last corresponded with you. If you are, we will assess the papers contained in that file for disclosure under section 7 of the Data Protection Act 1998. If you are not, please contact the IPCC by means of a letter or e-mail enclosing a copy of previous correspondence from the IPCC or, failing that, a copy of an official document confirming your identity and date of birth. For privacy reasons please do not correspond with the IPCC regarding this aspect of your request by means of whatdotheyknow.com, which is a publicly accessible web site. The IPCC will not be responding to this aspect of your request other than by means of the private e-mail or postal address you provide.

Information relating to your sister's complaint will be released directly to her on receipt of a separate request from her by means of a letter or personal e-mail. Again, if her postal address is not the same as when she last corresponded with the IPCC, she should provide suitable proof of identity in support of her request.

7. In respect of your previous answer (PJ/1002664) that 'We understand that the inquest found that Mr Winstanley died of natural causes', I wish to know why such a startling conclusion - in view of the very full documentary evidence supplied both to South Yorkshire Police and to supposed Assistant Deputy Coroner, Paul Kelly (who seems never to have acted previous to this fiasco) the IPCC would refuse to formally enquire into the facts of this case? That is particularly startling in view of the Pathologist's assurance to us, that my father did not have anything other than very mild bronchial pneumonia, and was not being treated in any case with any antibiotic. Also, she stated that he had no sign of the stated 'terminal oesophageal cancer' which we had been assured 'was killing him' - and of which his body and actions showed no sign.

We have nothing to add to previous correspondence.

8. In view of your previous statements in response to my questions, can you also please confirm that the IPCC does not act under the auspices or instructions of any of HM Coroners or of any senior police officers, Police Forces or other police or government organisations?

I can confirm this, and refer you to previous answers. The IPCC is an independent body and its constitutional status is explained on our web site.

9. Where the police - at senior level - have refused to act, what jurisdiction does the IPCC have to ensure that the police acts according to its remit to ensure public safety, by acting on evidence submitted to its senior officers?

10. If the IPCC has no remit in the matter at '9' above, can you please inform me who does have such a remit?

11. Can you please inform me of the remit of the IPCC, since it seems not to be to ensure a lack of corruption within the ranks of our Paid Police Force Officers.

These issues are covered by our previous answers.

12. Can you please tell me how many complaints have been made to the IPCC over the last 8 years (annual figures) in respect of South Yorkshire Police a) actions and b) non-actions?

Police complaints statistics for England and Wales are published annually by the IPCC and are available on the IPCC web site for the years 2004/05 up to 2009/10. The report for the year to 31st March 2011 will be published later this year. Since only a small proportion of police complaints are made to the IPCC the data contained in these reports is provided by the police forces. This data does not distinguish between complaints about actions and non-actions; however, allegations are recorded by police forces in accordance with an agreed list of allegation types and data relating to each allegation type are included in the reports. Information about the complaints recorded by each police force, the means by which complaints are concluded and, where relevant, the outcome of each complaint, is also published in the statistical reports. The IPCC web site includes statistical bulletins relating to police forces and the statistical data in the published reports is also available in Microsoft Excel format so that if you wish you can manipulate the data to suit your particular purpose.

13. Of those complaints, how many have been successfully resolved by the IPCC (or police)?

I would refer you to the answer to question 12. Please note that the different means by which complaints are concluded under the Police Reform Act 2002 are explained in the published reports.

14. Of those complaints, how many have just been rejected - and for what reason - by the IPCC?

As previously stated, data as to the different means by which the complaints recorded by each force are concluded is amongst the information published by the IPCC.

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

September 16, 2011

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.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission