

9th June 2016

Robert Smith request-337083-48ece8b7@whatdotheyknow.com

Dear Mr Smith

Freedom of Information Request - Reference No: 20160706

REQUEST

1. With regards to any care plans, child protection plans or child in need plans, made by the local authority, would it be classed as a "significant change" by:-

- a) Backdating the date of the said plan for no reasonable reason apart from "we forgot"**
- b) Changing the adult labelled at risk on the said care plan from the mother to father with no reason to do so apart from protecting or covering up for the said parent initially mentioned on the report as the risk.**

2. Within my case my child was placed on a child in need (CIN) plan due to the other parent assaulting my child. The disclosure was made direct to a social worker from the child. Despite me having no contact, the social workers backdated the CIN plan by 2 years and altered the report so that the CIN plan showed that I was the risk and failed to mention the assault by the mother, thus misleading any readers of the report, such as the courts.

- a) Would this be classed as**
 - i. A significant change of a CIN plan**
 - ii. Perverting the course of Justice**
 - iii. Fraud**
 - iv. Discrimination**
 - v. Any other type of fraud**

3. (For local authorities to answer) Has your authority made any significant changes to a report such listed in Q1 or Q2. If so how many and please give reasons why the changes, especially backdating records.

4.

a) (For the police and MOJ to answer) Has anyone reported to your force , courts or MOJ any similar situations described in Q1 and Q2 and, if so, how many and what action did your force take for unreasonable significant changes to reports that may be considered in Q2a (i.-v)

b) If anyone has reported a situation listed in Q4a, please list what crimes they were categorised as.

5. (For the police and MOJ to answer) Should I have reported what I listed to the police in Q2, what type of crime would your force list it as?

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,

- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

I approached our Public Protection Unit for assistance with your request. To answer question 4 of your request, it would be necessary to manually trawl through each record on our Case Management Tracking System and our Crime Management System looking for similar cases to the one you describe. This would far exceed the 18 hour cost limit.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/costs_of_compliance_exceeds_appropriate_limit.ashx

Although excess cost removes the force's obligations under the Freedom of Information Act, I have supplied information relating to the rest of your request as a gesture of goodwill.

Our Public Protection Unit has advised the following in response to the remaining questions which may be of assistance:

Question 1

No information held (this is for the Local Authority to respond)

Question 2

- i) No information held (this is for the Local Authority to respond)
- ii) No information held (this relates to Family Court – the Ministry of Justice may be able to respond further).
- iii) No information held (this relates to Family Court – the Ministry of Justice may be able to respond further).
- iv) No information held (this relates to Family Court – the Ministry of Justice may be able to respond further).
- v) This could potentially be 'Misconduct in a Public Office' depending on the circumstances and available evidence.

Question 5

This could potentially be 'Misconduct in a Public Office', but would require some direction from the Family Court. With the details contained within this request, we are inclined to

believe that this may be a civil matter rather than a criminal matter. Under these circumstances, further information may be available through a legal representative.

I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .

If you are unhappy with the way your request for information has been handled, you can request a review by following the advice contained in the separate notice enclosed with this correspondence:

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF.
Telephone: 08456 306060 or 01625 545745
Website: www.ico.gov.uk

Yours sincerely

Lucy Moore
Information Compliance Clerk
South Yorkshire Police
Information Compliance Unit
Professional Standards Department
Unit 20 Sheffield 35A Business Park
Churchill Way
Sheffield
S35 2PY

Please note that police forces in the United Kingdom are routinely required to provide information and statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this forces response to your questions should not be used for the comparison purposes with any other response you may receive.

South Yorkshire Police provides you the right to request a re-examination of your case under its review procedure (copy enclosed). If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

The South Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, South Yorkshire Police, Police Headquarters, 5 Carbrook Hall Road, Sheffield, S9 2EG

Appeal Process for Freedom of Information

Using this process will not affect your right to appeal directly to the Information

Commissioner. However, it will usually be quicker if matters can be resolved locally using this process.

Who can appeal?

Anyone who has requested information from the Force in writing can appeal within 20 working days from the date of the response provided. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use the appeal process to have it looked at again. If someone who requested information would like to appeal but cannot do so themselves you can appeal on their behalf, but it will help us if you make it clear that you are doing so.

What can I appeal about?

You can appeal about the range, amount and format of information we have sent following a request. You can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

How do I appeal?

You can appeal by writing, emailing or faxing your appeal/complaint to the address below. To deal with your appeal as quickly as possible, it will help if you can give us as much information as you can about the request made, such as the reference number, and the reason for your appeal/ complaint.

What happens to my appeal?

Once we have enough details to identify the request you are concerned about, a qualified person, other than the initial decision maker, will deal with the internal review.

How long does it take?

Whatever their conclusion, you will be informed of the result as soon as possible, and in any case within 20 days of submitting your appeal.

If you are still not satisfied, you may then appeal to the Information Commissioner.

Appeal Address

**Information Compliance Unit South Yorkshire Police Professional Standards
Department Unit 20 Sheffield 35A Business Park Churchill Way Sheffield S35 2PY**

Email foi@southyorks.pnn.police.uk