

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

### **Decision notice**

**Date:** 31 January 2024

**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)**

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1. The complainant has requested a copy of a report relating to child sexual exploitation ("CSE"). South Yorkshire Police ("SYP") stated that it does not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, SYP is correct when it says that it does not hold the requested information. However, SYP breached section 10(1) of FOIA as it failed to provide its response to the request within the statutory 20 working days.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 12 June 2023, the complainant wrote to SYP and requested information in the following terms:

"Would you please send a copy of the 2006 Collins Report. Here is the context:

<http://www.childabuselaw.co.uk/tag/cse/>

"In 2006 the Collins report on sexual offences against 17-year-old and under took place. Sup't Matt Jukes required district and force PPU's to identify CSE early."

5. SYP responded on 15 November 2023. It stated that it had tried to locate a copy of the Collins report for the purpose of responding to a previous request. It detailed the searches that it had conducted to attempt to locate the report for that request, and stated that the complainant for the current request had provided no further information from the previous requests it had received. Therefore, SYP considered that it had no new lines of enquiry to attempt to locate the report, and concluded that no information was held.
6. Following an internal review SYP wrote to the complainant on 28 November 2023. It maintained its original position that no information was held.

## **Reasons for decision**

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### **Section 1 – general right of access**

7. Section 1(1) of FOIA provides that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to them.
8. In cases where a dispute arises over whether relevant recorded information is held by the public authority at the time of the request, the Commissioner – following the lead of a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is more likely than not that the public authority holds information relevant to the complainant's request.
9. For context, the quote which the complainant included within the request is from an article about a misconduct hearing. The article is published on a website that is run by Switalski's solicitors, who were involved in many of the cases from Operation Linden. Operation Linden was the Independent Office for Police Conduct's investigations of complaints and conduct matters in relation to SYP's handling of reports into non-recent child sexual abuse and exploitation in Rotherham between 1997 and 2013.

### **SYP's position**

10. In its initial response to the request SYP explained that it had liaised with the force lead for Protecting Vulnerable People (PVP), the Force Archive Team, Legal Services, Corporate Communications and the Senior Leadership Team. All of the departments that were consulted responded to confirm that they do not hold a copy of a "Collins report".
11. SYP also performed extensive internet searches, including on the UK Government website, and was unable to locate the Collins report. It therefore concluded that the requested information was not held.
12. During the Commissioner's investigation SYP revisited the request, and specifically the website article where the "Collins report" was quoted. Having done so, SYP stated that Switalski's appear to have misreported what had been said by Counsel for SYP during the misconduct case, asserting that the Collins report was not a document that was mentioned by Counsel.
13. SYP further confirmed that during the opening note for this particular misconduct hearing, Counsel spoke about 3 different reports from 2006 – the Kalinski report, the Dr Angela Heal report and Matt Jukes' Strategic Assessment. Whilst the website article correctly refers to the Dr Angela Heal and Matt Jukes reports from 2006, there is no mention of the Kalinski report. Therefore SYP has reached the conclusion that the Kalinski report was mistakenly referred to as the Collins report in the article, and the reason why SYP was unable to find evidence of a Collins report was because, so far as it was able to reasonably ascertain, it does not exist.
14. SYP accepted that it could have included the Professional Standards Unit in its previous searches for relevant information, which may have lead it to the understanding it now has of the situation at an earlier stage. However the team had focussed on the fact that the report was regarding CSE and therefore it had approached those in the force who were involved in that work, rather than thinking about it from the view of the hearing where it was mentioned.

### **The complainant's position**

15. The complainant states that it simply cannot be the case that SYP either does not hold the requested report which it had referenced during a disciplinary hearing, or is unable to at very least advise where the report may be lodged.
16. The complainant argues that it is quite clear that SYP had the Collins report before it during the disciplinary hearing, and that it is in fact incredulous that all parties at the hearing did not have a copy of it. The

complainant further argued that had the Collins report not been submitted to the court, SYP's claim and reference to it would have been thrown out, which would have had potentially serious consequences for the outcome of the case, making the final judgement unsafe.

17. The complainant confirmed that they have contacted other potential sources of the Collins report, who were contemporaneously involved and have also quoted the Collins report. They also refute SYP's suggestion that the report referred to in the disciplinary hearing was in fact the Kalinski report, rather than the Collins report.

### **The Commissioner's conclusion**

18. The Commissioner acknowledges the complainant's reference to other sources of the Collins report. However he notes that the complainant has not shared these sources with either SYP, or with himself, in order to offer new or different lines of enquiry to enable SYP to locate a Collins report.
19. During the course of his investigation, the Commissioner has also conducted his own extensive online searches in an attempt to gain further understanding or steer surrounding the Collins report, beyond the website article referenced by the complainant. These searches were unable to uncover any further information.
20. In its correspondence to the Commissioner, SYP included the full title of the Kalinski report – Lucinda Kalinski 2006 report on Sexual Offences against Victims 17 years and under in South Yorkshire. The Commissioner considers it highly improbable that SYP commissioned two separate reports to be undertaken at the same time, and on the exact same subject – i.e. Kalinski and Collins. Therefore, he also considers SYP's conclusion regarding the misreporting of the Kalinski report as the Collins report to be logical and reasonable.
21. On establishing that it was the Kalinski report that was referenced by Counsel during the hearing, SYP confirmed to the Commissioner that it holds a copy of the Kalinski report and would be happy to consider it for disclosure if the complainant wished. This offer was put to the complainant. However, whilst taking the time to respond to share their disapproval of SYP's conclusion regarding the misreporting of the name of the report, the complainant did not take the opportunity to either accept or refuse the offer.
22. Ultimately, all a public authority can do is conduct appropriate and targeted searches for the information described by the request. The Commissioner is satisfied that SYP has now carried out targeted and appropriate searches which would be likely to locate a Collins report.

23. Therefore, on the balance of probabilities, the Commissioner is satisfied that SYP does not hold a Collins report.

### **Procedural Matters**

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24. Section 10(1) of FOIA provides that a public authority must comply with section 1(1) promptly and in any event no later than the twentieth working day following the date of receipt.
25. In this case, SYP did not provide its response to the request for more than 5 months. Therefore, the Commissioner finds that it breached section 10(1) of FOIA.

## Right of appeal

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

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

27. 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.
28. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**