

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 November 2024

**Public Authority:** The Home Office  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

#### Decision (including any steps ordered)

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1. The complainant has requested information about Home Office policies and procedures for dealing with complaints about the police. The Home Office stated it did not hold the information.
2. The Commissioner's decision is that, on the balance of probabilities, the Home Office was correct to say that no information is held by it for the purposes of section 1 of FOIA.
3. The Commissioner does not require further steps.

#### Request and response

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4. On 3 January 2024, the complainant wrote to the Home Office and requested information in the following terms:

"1] What is the 'Policy' or 'Protocol' of the Home Secretary, Police Minister and or Home Office 'Executives' on receipt of information concerning a Police Force failing to investigate reported crime (Because Police Staff committed the crime) and then subverted the criminal justice system, by adopting corrupt practices, to quash any proper criminal investigations in order to protect the offenders and the organisation in general?

2] What is the 'Policy' and 'Protocol' for recording and dealing with complaints made against the Home Secretary, Police

Minister and or Home Office Staff, where negligence or incompetence is identified?

(For example where a member of the public with information about Police Corruption is ignored, and when a complaint is then made about the Home Office lack of professional standards, that complaint is also then ignored)“

5. The Home Office responded on 31 January 2024. It stated that it did not hold the information described in part one of the request and asked the complainant to clarify part two, requesting they specify a definition and threshold for incompetence.
6. The complainant chose not to provide clarification of part two of the request, but requested an internal review of the Home Office's response to part one. The Home Office provided this internal review on 9 August 2024, in which it upheld its original position.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 24 May 2024 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine whether the Home Office holds any information in scope of part one of the request.

### **Reasons for decision**

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9. Section 1(1) of FOIA requires that a public authority must inform a requester, in writing, whether it holds information falling within the scope of the request. If it does hold relevant information, it also requires that it communicates the information to the requester, subject to any exclusions or exemptions applying.
10. In scenarios where there is some dispute between the information a public authority says it holds, and the information that a complainant believes is held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
11. In other words, to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).

12. In such cases, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to search for relevant information, and will take into account any other reasons offered by the public authority to explain why the information is not held. Finally, he will consider any reason why it is likely or unlikely that information is not held.

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

13. In their internal review request, the complainant stated the Home Office are responsible for policing and policing standards, and therefore must have policies and a protocol in place.

### **The Home Office's position**

14. In its response and internal review, the Home Office has stated it does not hold policies and procedures for dealing with complaints about police misconduct. This is because the Home Office does not regulate the police, and the police complaints and discipline system in the United Kingdom is independent from the government. This, the Home Office argued, is so the police can carry out their duties independently and free from political influence.
15. The Home Office highlighted the roles of police and crime commissioners (PCCs) and the Independent Office for Police Conduct (IOPC) in dealing with police complaints. It stated PCCs are responsible for holding the local police to account, while the IOPC exists to investigate the most serious potential breaches of police conduct. It advised the complainant these are the appropriate avenues for pursuing a complaint about police misconduct.

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

16. The Commissioner has considered the arguments and evidence submitted by both parties.
17. The Commissioner recognises the complainant feels strongly the Home Office should have policies and procedures for dealing with this matter. However, he considers that the Home Office has provided a detailed explanation of why it has no reason to hold the requested information, and has signposted the complainant to the appropriate public authority.
18. The Commissioner notes the specific nature of the request, and considers the Home Office's response to be comprehensive.
19. On this basis, the Commissioner has concluded that, on the balance of probabilities, the Home Office does not hold any information within scope of the request.

## Right of appeal

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20. 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)

21. 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.
22. 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 .....**

**Joanna Marshall**  
**Group Case Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**