

17<sup>th</sup> May 2021

**Freedom of Information Request - Reference No: 20210710**

**REQUEST**

*Please can I request the following information under the Freedom of Information Act...*

*1. Please tell me for each of the following financial years: a) 2016/17 b) 2017/18 c) 2018/19 d) 2019/20 e) 2020/21 how many crimes committed by children under 10 have been recorded by your police force.*

*2. For each case, please tell me a) the sex of the child b) the age of the child c) the offence committed d) how the offender was dealt with (I'm obviously aware that children under 10 are under the age of criminal responsibility).*

**CLARIFICATION**

South Yorkshire Police has received a number of similar requests to yours in the past

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/offences-u10-ref-20200860/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/crimes-involving-under-10s-2017-2019-20200331/>

**FROM THE REQUESTER**

*I would like you to still proceed with my request please, as previous requests are not exactly the same in terms of what they are asking for and the date range.*

**RESPONSE**

I approached our Crime Management Data Returns Administrator for assistance with your request. The CMS system and Connect System is used to record complaints or allegations of those matters, which the Home Office specify should be recorded as 'crimes'. (CMS - our legacy system which provides data up to 4th December 2017 and our new CONNECT system which records crimes from that date onwards)

Unfortunately given the current situation the Administrator is not currently working in police premises and cannot access the software needed to extract data from CMS (legacy system) we will provide this as soon as we are able to do so. (April 2016 to 4<sup>th</sup> December 2017)

They were however, able to access the current crime system, Connect. Unfortunately we are unable to provide this in full.

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 – Exemption where cost of compliance exceeds appropriate limit**

For the offender/suspect element of your request. We record on our Connect system offender/suspect details i.e. age, gender and ethnicity etc. Due to how our system records, duplicate records can be created for one suspect, as a suspect may be charged with multiple linked offences. To retrieve and extract the detail/data you require for suspects in regard to gender, age and the offender outcome would require drilling down multiple records and cross referencing with investigation paperwork and files to ensure firstly, data accuracy and then locate the detail to fit the criteria of your request.

In essence, each suspect record would have to be reviewed at record level to potentially identify the data required and a further review of the investigation/paperwork/ files to locate, retrieve and extract the data.

The Crime Administrator has advised there are 602 records with Outcome recorded as 'Prosecution Prevented – Named suspect identified but is below the age of criminal responsibility'. To review each of the 602 records identified by the Administrator, it would take at a conservative 4 minutes per record, (602 x 4 mins) in excess of 40 hours this would seriously exceed the 18 hour rule as guided by the FOI Act. This does not take in to account the additional time if required, to manually cross reference with investigation/paperwork/ files, to locate and extract the further detail required.

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.

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:-

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

**Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. 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 .**

The Administrator has provided the attached spreadsheet and the following explanation.

*Please find attached data in response to FOI **20210710**. Apologies this went beyond the statutory date.*

*We have provided a count of offences recorded on CONNECT between 04-DEC-2017 and 31-MAR-2021 where the offence outcome was recorded as “11 – Prosecution Prevented – Named suspect identified but is below the age of criminal responsibility”. This is a count of offences only, broken down by offence type to Home Office sub group level.*

*Please note that the category of “2017/18” in the table provided does not represent a complete financial year and only spans the period 04-DEC-2017 to 31-MAR-2018 as CONNECT usage commenced on 04-DEC-2017.*