

26th November 2018

**Freedom of Information Request – Reference No:20181911**

**REQUEST**

***Could you please provide us with the following information:***

- 1. How many times were children kept overnight in police custody in the 12 months to 01 October 2018?***
- 2. Out of that number, how many times were children held in police custody post charge, and***
- 3. How many times were children held overnight without charge, pending further investigations?***
- 4. How many times were children transferred to local authority accommodation in the 12 months to 01 October 2018?***

***For the avoidance of doubt, we consider children to be all people under 18 years old.***

***To clarify, I am looking for information that for example, in all the force's police stations:***

- 1. 1000 children were held overnight in the year to 01 October 2018,***
- 2. Of those, 400 were held post-charge, and***
- 3. 200 were held without overnight charge, pending further investigations.***
- 4. 100 children were transferred to local authority accommodation.***

**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– Exemption where cost of compliance exceeds appropriate limit**

I approached South Yorkshire Police Custody unit for assistance with this request.

They advised the following:

*I will be unable to provide the data requested in the FOI request within 18 hours, for the following reasons:*

- *We have no way to differentiate an 'overnight' record from any other record, especially as no definition is offered as to what is meant by overnight.*
- *I have no means to identify whether a detainee was transferred to local authority care (other than manually checking the detention logs).*
- *The period spans 2 computer systems meaning any report would need to be duplicated if it was to include October/November 2017 figures.*

In essence to locate, retrieve and extract the pertinent information in regards to this request, would require a manual review of each record which would significantly exceed the appropriate 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.

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)

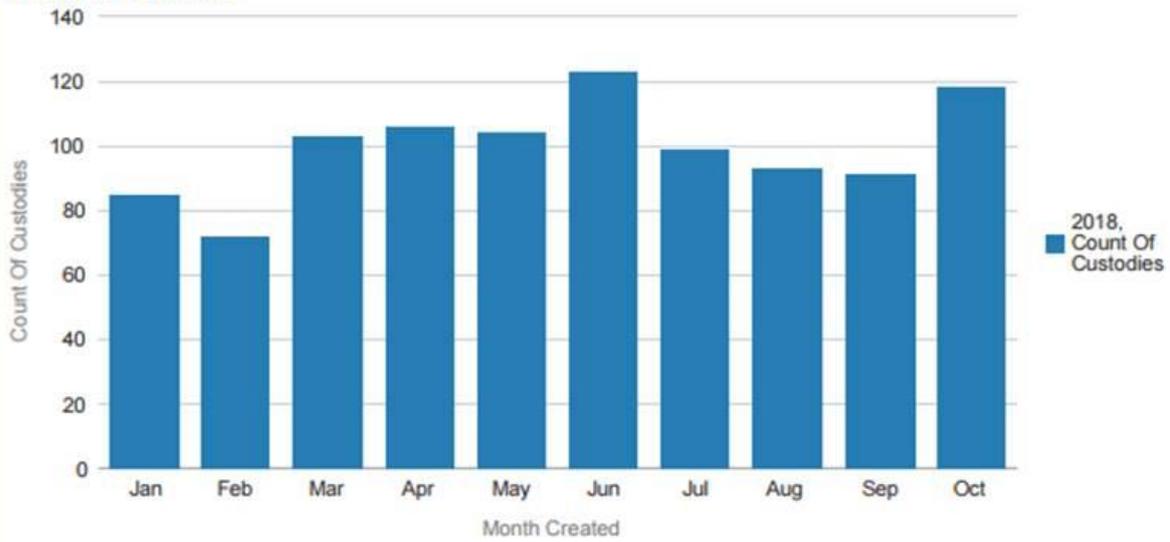
**Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect 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 Sergeant has however provided the following:

*What I can provide is an overview of all records for those under 18 at the time of detention, for the months January-October 2018, together with how many of those were remanded in custody post charge.*

## Children and Young Person - Total

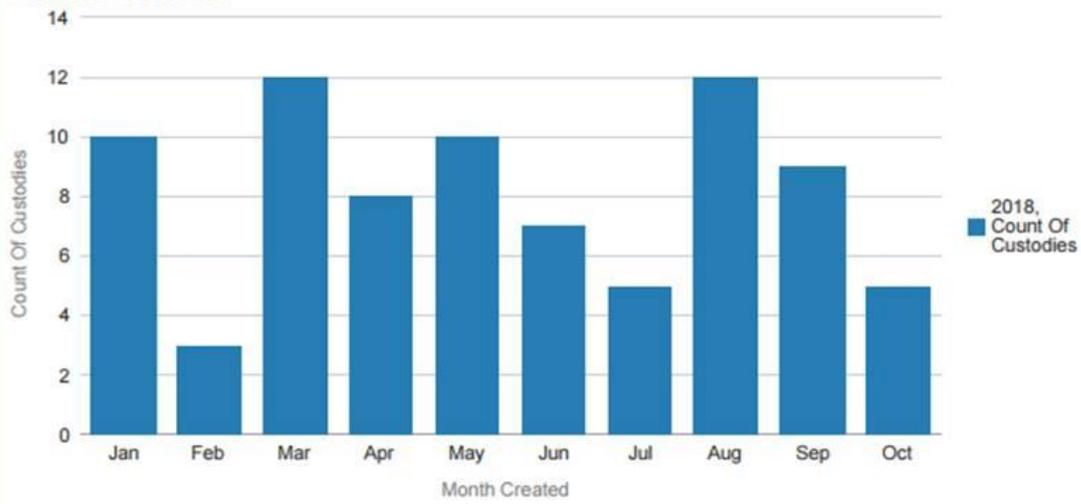
### Count Of Custodies



Year Created	Month Created	Count Of Custodies						Count Of Custodies Total		
		11	12	13	14	15	16		17	
2018	Jan		1		7	18	28	31	85	
	Feb			3	9	14	25	21	72	
	Mar	1	1	4	17	15	29	36	103	
	Apr		2	3	19	20	25	37	106	
	May	1		9	8	21	27	38	104	
	Jun		2	6	15	19	38	43	123	
	Jul		2	7	16	19	20	35	99	
	Aug				5	16	14	22	36	93
	Sep				7	13	15	27	29	91
	Oct				3	19	22	33	41	118

### Children and Young Person - Remands

**Count Of Custodies**



Year Created	Month Created	Count Of Custodies				Count Of Custodies Total
		14	15	16	17	
2018	January		1	5	4	10
	February		1	1	1	3
	March	2	3	5	2	12
	April	3		3	2	8
	May		3	4	3	10
	June			3	4	7
	July	1		1	3	5
	August	4	1		7	12
	September	1	2		6	9
	October	2	2		1	5
<b>2018 Total</b>		<b>13</b>	<b>13</b>	<b>22</b>	<b>33</b>	<b>81</b>

End