



Devon & Cornwall Police

Mr Halpin
Kiln Shotts Haytor
NEWTON ABBOT
TQ13 9XR

Freedom of Information Unit
Alliance Information Management Department
Middlemoor
EXETER
EX2 7HQ

10 May 2021

Our Ref: 1875/21

Tel: 01392 226770

Dear Mr Halpin

I write in connection with your request for information which was received by this office on 14/04/2021. I note you seek access to the following information:

Re the deaths of 9 residents of the Holmesley Care Home Sidford

My simple demand is this. The release of the autopsy findings in the nine carried out - I presume in the mortuary of the Royal Devon and Exeter Hospital, and the pathologists/clinicians conclusions.

Your request for information has now been considered and I am not obliged to supply the information you have requested. In accordance with the Section 17(1) of the Freedom of Information Act 2000 this letter acts as a Refusal Notice for your request. I can confirm that Devon & Cornwall Police holds information you have requested.

The exemption of the Freedom of Information Act 2000 applied is:

- 30(1) – Information held for the purposes of a criminal investigation or criminal proceedings conducted by it

Section 30 requires the application of a Public Interest Test before the exemption can be claimed.

Public Interest Test

Factors favouring disclosure

Disclosure of the information to the public would assist awareness and more accurate public debate regarding any rumours circulating about the case

There is a public interest in knowing whether the force is conducting its investigative duties effectively and disclosure of the material would allow the public to debate this.

Factors favouring non-disclosure

It is in the public domain that two days after your request was received that the case involving the deaths in the Sidmouth Care Home was still open and investigations were ongoing.

<https://www.devon-cornwall.police.uk/News/NewsArticle.aspx?id=bd9546ab-bdd0-4cdf-866d-946f9fa422c0>

It is rare that any information related to an ongoing investigation will be disclosed to the public as to do so will potentially damage the outcome of any future proceedings.

Any disclosure of information relating to an investigation would set a precedent for similar disclosures in the future. To set such a precedent could lead people to believe that information they provide to the police would be disclosed, identifying those who provided it. The harm that such a precedent would do to the flow of information to the police would lead to the police being unable to investigate and assist in the prosecution of offenders effectively

Balance Test

Disclosures under Freedom of Information become public documents accessible to anyone and not just the requester. This is not the forum to examine details of an investigation that is still ongoing. It is therefore considered that the balance lies in favour of non-disclosure.

I regret that I am unable to meet your request but should you have any further information needs in the future then please contact me.

Should you have any further inquiries concerning this matter, please write or contact this office, quoting the reference number above.

Yours sincerely

Steve Hawkins
Alliance Freedom of Information Officer



Alliance Information Management Department
Devon & Cornwall Police and Dorset Police
Working together to serve the public

Complaints

Devon and Cornwall Police provides you the right to request a re-examination of your case under its review procedure. If you decide to request such a review you should address your request within 40 working days to:

The Head of Alliance Information Management, Police Headquarters, Middlemoor, Exeter, Devon, EX2 7HQ or email: foi@devonandcornwall.pnn.police.uk