

Witness Name: Head of the Investigatory Powers Tribunal Secretariat

Statement No 1: WITN0457001

Dated: 22 May 2026

THE NOTTINGHAM INQUIRY

FIRST WITNESS STATEMENT

OF THE HEAD OF THE INVESTIGATORY POWERS TRIBUNAL SECRETARIAT

I, the Head of the Investigatory Powers Tribunal Secretariat, will say as follows: -

1. I am the Head of the Secretariat at the Investigatory Powers Tribunal ("the IPT", or "the Tribunal"). The IPT's address is PO Box 33220, London, SW1H 9ZQ.
2. This witness statement is made to assist the Nottingham Inquiry ("the Inquiry") with matters set out in the Rule 9 Request dated 7 April 2026 ("the Rule 9 Request"). The Rule 9 Request requested information about the case of *Valdo Calocane v Nottinghamshire Police Services* (IPT/24/373/CH) and the judicial decision that was made in that case by Rt Hon Lord Boyd of Duncansby, then

the Vice-President of the Tribunal, and Ms Del Mese, a judicial member of the IPT ("the Decision").

3. The Rule 9 Request was addressed to Rt Hon Lord Boyd of Duncansby. The Rule 9 Request explained that although it was addressed to Lord Boyd, another individual might provide the information if that is considered more appropriate.
4. The Inquiry's terms of reference clearly indicate that "*the Inquiry will not consider any independent judicial decisions (including sentencing decisions), nor revisit misconduct outcomes*". Moreover, it is a long-established convention that judges do not comment on individual cases. Consistent with that convention and in accordance with the Inquiry's terms of reference, this statement does not address any aspects of the complaint brought by Valdo Calocane that relate to the judicial decision making in his case.

The IPT

5. The IPT was created by s.65 (1) of the *Regulation of Investigatory Powers Act* 2000 ("RIPA").¹ The Tribunal's powers and duties are contained within s.65-s.69 of RIPA (as amended) and the procedural Rules that have been made pursuant to s.69 of RIPA that are contained in the *Investigatory Powers Tribunal Rules* 2018 (SI 2018/1334) ("the 2018 Rules").

¹ The IPT effectively replaced the Interception of Communications Act Tribunal, the Security Services Act Tribunal and the Intelligence Services Act Tribunal which are now defunct except in relation to complaints made before 2 October 2000: see ss 70, 82(2) and Schedule 5 of RIPA and the *Regulation of Investigatory Powers Act 2000 (Commencement No 1 and Transitional Provisions) Order* 2000 SI 2000/2543.

6. The 2018 Rules imposes a duty of confidentiality on the Tribunal in respect of information provided to it by a complainant: see Rule 7(11) and (12) of the 2018 Rules (which mirror the provisions in the predecessor Rules – see rule 6(6) and 6(7) of the 2000 Rules).

7. Rule 7(11) of the 2018 Rules provides:

“(11) Subject to paragraph (12), the Tribunal may not, without the consent of the complainant, disclose to any person other than Counsel to the Tribunal—

(a) any information or document disclosed or provided to the Tribunal by or on behalf of the complainant or the fact that any such information or document has been disclosed or provided;

(b) the identity of any witness called by or on behalf of the claimant or the fact that such a witness was called.

(12) The Tribunal may disclose the information provided by the complainant described in rule 8(2)(a) and (b) or, as the case may be, rule 9(2)(a) and (b).”²

8. The Tribunal does not have a statutory power (or indeed a statutory duty) to disclose information it receives from a complainant to third parties for the purpose of public protection and/or to prevent the commission of a criminal

² These rules refer to the name, address, and date of birth of the complainant and the identities of the respondents against which the proceedings are brought.

offence. There are circumstances where such disclosure may be made. Those are case specific and are judicial decisions.

The Tribunal's workload

9. The Tribunal's report for 2021 (published in November 2022) indicated that there was a significant backlog of cases that were waiting judicial determination. The backlog was caused by a number of factors including a 75% increase in the number of complaints received by the Tribunal between 2017 and 2021 as well as the impact of the pandemic, [WITN0457002], pages 11-12.

10. The Tribunal's report for 2021-2023 (published in November 2024) indicated that the number of cases received by the Tribunal in 2023 was more than double the number received in 2017, [WITN0457003], page 12. However, *"[s]ince the last report was published the Tribunal has significantly increased its capacity to progress cases in an efficient, timely manner. There is no longer the backlog of cases that was created in large part by the Covid19 pandemic"*, [WITN0457003], page 5.

11. The figures show that the majority of cases each year are determined as either frivolous or vexatious. Section 67(4) RIPA provides that the Tribunal is under no obligation to consider a complaint which is "frivolous or vexatious" . A complaint is regarded as "frivolous" if it is unsustainable in that it is so lacking in foundation such as to justify this description. A complaint is regarded as "vexatious" if it is a repetition, or repeated repetition, of an earlier obviously unsustainable complaint by the same person, [WITN0457003], pages 13-15.

The Tribunal website provides more information about the different types of determination used by the Tribunal, WITN0457004.

The delay in considering the complaint brought by Valdo Calocane

12. The delay between the application by Valdo Calocane being received by the Tribunal and it being determined was due to an administrative error. When the claim was received, it was not allocated correctly to the relevant workstream. That error was not identified until 2025.

13. Since summer 2022, the Tribunal has received an uplift in resources, a new case management system has been put in place and new processes and practices have been implemented. I am confident that the administrative error that occurred in considering the complaint by Valdo Calocane would not happen again.

STATEMENT OF TRUTH

I believe the content of this statement is true.

Signed:

GRO-B

Dated: 22 May 2026

Index to First Witness Statement of the Head of Investigatory Powers Tribunal

Secretariat

No.	URN	Document Description
1	WITN0457002	Report dated 2022, compiled by Investigatory Powers Tribunal Re: Report 2016-2021
2	WITN0457003	Report dated 2024, compiled by Investigatory Powers Tribunal Re: Report 2021-2023
3	WITN0457004	The Investigatory Powers Tribunal Webpage, Making a complaint: Possible complaint outcomes