

Independent Police support Group

request-68543-4966bd0a@whatdotheyknow.com

Our Reference: FOI 065/11

6th July 2011

Dear Independent Police Support Group,

I am writing with reference to your request for information regarding changes within the NPIA since the 12th May, dated 6th October, made under section 1(1) of the Freedom of Information Act.

You asked for the following information:

'[1] Please supply copies of any correspondence regarding the future and any reviews of the 30+ scheme

[2] Please supply details of forces who are no longer going to use the scheme.

The Metropolitan Police have apparently decided to no longer retain officers under this scheme unless they have specialist skills requires for the Olympics. [3] Can you confirm that this is the case and supply copies of any relevant communication between the MPS and the NPIA in this regard.'

Further to my reply dated 17th May 2011, the NPIA have concluded the public interest test on the remaining correspondence regarding the review and future of the 30+ Scheme. That which can be released is attached with this response, however some of the information has been withheld under Section 40(2), Personal information and 36(2)(b)(i) & (ii) (Prejudicing the Effective Conduct of Public Affairs) of the Freedom of Information Act (FOI).

Application of Exemptions

Section 36 Disclosure Prejudicing the Effective Conduct of Public Affairs

This exemption is a prejudice based, qualified exemption and therefore the legislators accept that there may be harm if information falling within the scope of the exemption were to be released. However, we are required to evidence the harm and consider the balance of public interest in releasing the information.

Section 40(2) Personal Information

NPIA (headquarters)
Fry Building
2 Marsham Street
London
SW1P 4DF

T 0203 113 6000
www.npia.police.uk

This exemption is a class based, absolute exemption and there are no requirements to establish the harm or the public interest. The NPIA believes that this exemption applies as the information contains the names of more junior NPIA staff and other public officials who have an expectation that their details are not release under FOI.

Harm under Section(s) 36

Public Authorities require a private space for the full and frank exchange of views and consultation about the developing of the 2008 force questionnaire and the final review. While the NPIA recognises that the review and questionnaire has been complete, some information may and has been disclosed, this does not however apply to advice supplied by other agencies or ministers.

Public Interest Test under Section(s) 36

Section 36 of the Freedom of Information Act is a qualified exemption and the Public Interest Test is assessed below. This considers whether or not it would be beneficial to the community at large to disclose the requested information.

Consideration favouring disclosure:

There is a public interest in being able to understand more about the deliberative and decision making processes of Government. The public will also want to be reassured that appropriate advice was sought to amend the 30+ scheme, based on the best advice and options available.

There is also a general public interest in openness and transparency in policy making and discussion, which may lead to increased trust and engagement between the public and the government. Such openness makes government more accountable to the taxpayer in terms of the quality of decisions taken, and the spending of public money. In addition openness enables individuals to gain a better understanding of decisions which directly affect them, and therefore make informed contributions to public debate.

Considerations favouring non-disclosure:

Whilst the Government has made various commitments to renewed transparency this does not mean there is no need for private thinking space and private space for policy development.

It is in the public interest that there is a space within which ministers and their officials are able to discuss policy options freely and frankly. Knowing that such discussions or advice might be made public could inhibit officials from being free and frank in their advice or opinions. It might weaken the effectiveness of the

advice to Ministers, or make it less likely that such information was not properly recorded in the future. Ministers and officials need to be able to think through all the implications of various options – in particular they need to be able to undertake rigorous and candid assessments of the risks associated with certain funding options.

Balancing Test:

The decision in this case is whether to release the communications between the NPPIA and other public authority officials regarding the questionnaire of the forces in 2008 and the resulting review.

It is recognised that during this process, advice or discussion should be able to take place in a free and frank environment but that over time the harm in disclosure decreases. However, in this case, if the content of the emails exchanges between the NPPIA and the Home Office, Treasury and ministers, were to be released at this time, the impact would be to reduce the space for free and frank discussion and inhibit the openness of exchange between the organisations. Such a withdrawal by any party, would impact on the effectiveness of the working relationship and likely lead to future collaborations being more protracted to compensate for less candid discussions.

Decision:

There can be no benefit in disclosing this information as it would not affect the questionnaire or the subsequent review. Neither would it be in the public interest to release this information if it would be harmful to the exchange of views or consultation between the NPPIA and third parties. On this occasion the decision is to withhold the information you have requested.

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 20 working days. You should write to:

Anne Taylor
Head of Secretariat and Policing Portfolio Unit

C/O FOI Team
National Policing Improvement Agency
10th Floor (East),
New King's Beam House,

National Policing Improvement Agency

22 Upper Ground,
London,
SE1 9QY

E-mail: NPIAFOI.InternalReviews@npia.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the NPIA. The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further information about the NPIA is routinely published on our website at www.npia.police.uk or through our publication scheme. If you require any further assistance in connection with this request please contact us at our address above.

Yours sincerely,

Andy Woodgate

IKS Advisor

National Policing Improvement Agency