

Date: 26th April 2021

Our Reference: FOIA-2021-038

RE: Your request for information under the Freedom of Information Act 2000

I write in response to your Freedom of Information Act 2000 ('FoIA 2000') request, dated **01/04/2021**, in which you requested:

"I would like to request a collection of past papers including mark schemes (answers) of the National Inspectors Exam and National Sergeants Exam.

These can be from any period since 2000 and can be decommissioned/no longer in use."

Decision

When a request for information is made under the FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

In line with section 1(1) of the FoIA 2000, I can confirm the College **does hold information** relevant to your request. However, **we are unable to provide** the past papers and mark schemes because two exemptions apply to the material, namely, section 43(2) commercial interests and section 31(1) law enforcement.

The College has spent considerable time and resource in developing the bank of questions that are re-used for different examinations. If the National Inspectors Exam and National Sergeants Exam papers and mark schemes were to be released, it would damage the integrity of the examination and we would no longer be able to reuse the questions at a later date. From a commercial perspective, this would be costly to the College and if we were to release the paper after every examination, the system would no longer be commercially viable for the College.

We are part-funded by the Home Office and have to ensure that we spend public money appropriately. Releasing the examination and mark scheme would also place data into the public domain which could be used by competitors or other higher education providers. This exemption is subject to a public interest test which means that in considering your request, the Act requires us to balance the risk of harm if the information were to be released against the benefit that disclosure would have to the public. There is

undoubtedly an interest in the work of the College and this directly links into the public interest in policing and police training in England and Wales. It is right that the public are reassured that our police officers are trained to the highest possible standard. However, on balance, maintaining the integrity of the examination process and ensuring the College is able to deliver value for money, is paramount. For this reason the information will be withheld on the basis of commercial interests.

Similarly, the exemption at section 31(1)(a) and (b) FoIA 2000 relating to law enforcement also applies. Information can be withheld under this exemption where it would prejudice the prevention or detection of crime, or prejudice the apprehension or prosecution of offenders. Our core function is to support the police service in England and Wales and contribute to the key policing objective of keeping the public safe. In order to maintain the integrity of the examination process, and thereby train our officers to the highest standard, the examination paper/answers cannot be released. It would provide officers with an advantage which would then weaken the process, rendering the questions obsolete and unusable for any future process.

This would undermine our ability to ensure officers are trained to the highest possible standard potentially having a knock-on effect to the quality of training received and law enforcement more generally. A public interest test is also applicable to this exemption and, as outlined above, the public do have a right to know about the work that we do and how police officers in England and Wales are trained. As the professional body for policing, the College takes its transparency and accountability obligations seriously – we are a public authority and it is right that we provide information about our work wherever possible. However, weighing up the competing factors, we are satisfied that maintaining the integrity of the process and upholding the quality of training offered to police officers is crucial, and for that reason, the information requested will also be withheld under section 31(1)(a) and (b) FoIA 2000.

We trust this answers your questions; your rights are provided at the bottom of this letter.

Yours sincerely,

Kate Kaufman | Legal Advisor

Information Management and Legal Team

College of Policing

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Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively, you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113