



## ASSOCIATION OF CHIEF POLICE OFFICERS

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14/12/2011

Dear Mr Martin

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000093/11**

### **Applicant Question:**

Please specify how many PNC checks you have carried out on behalf of the RSPCA in the 12 months period Jan – Dec 2010.

Also specify which specific legislation enables the RSPCA (a private charity) to be classified as NPA (Non Police Agency).

### **ACPO Response:**

ACPO have a Service Level Agreement with the RSPCA in respect of providing Police National Computer (PNC) services. This has been in effect since April 2010 and I provide you with the breakdown of figures for these dates and also for the period January 2010 to 25/11/2011.

Please note that the figures detail the entries placed upon the PNC for the creation of records and also for the amount of checks of the PNC carried out.

April 2010 – Dec 2010:

Arrest Summons Notifications (ASN): 852  
PNC Checks: 15

January 2011 – 25/11/2011

Arrest Summons Notifications (ASN): 1459  
PNC Checks: 39

While the Protection of Animals Act 1911 does provide a power of arrest for police, case law has defined very clearly that Parliament did not intend any other organisation such as the RSPCA to be empowered under the Act and therefore the RSPCA does not have any powers of arrest, or entry or of search.

Like any other person or organisation that the law deems to have a duty to investigate – e.g., HM Customs & Excise, Local Authority Trading Standards – the RSPCA is expected to conform to the rules in the Police and Criminal Evidence Act 1984 so far as they relate to matters of investigation. RSPCA Officers are trained to state, following giving the caution, that the person is 'not under arrest and can leave at any time'.

For your convenience I have provided you with a link to Wikipedia website however ACPO cannot confirm or guarantee its accuracy.

[http://en.wikipedia.org/wiki/Royal\\_Society\\_for\\_the\\_Prevention\\_of\\_Cruelty\\_to\\_Animals](http://en.wikipedia.org/wiki/Royal_Society_for_the_Prevention_of_Cruelty_to_Animals)

If I can be of further assistance to you, please do not hesitate to contact me.

Yours sincerely

Sherry Traquair

**Freedom of Information Officer & Decision Maker**

[www.acpo.police.uk](http://www.acpo.police.uk)

## **COMPLAINT RIGHTS**

### **Internal Review**

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with ACPO to have the decision reviewed within 2 months of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to ACPO Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with ACPO, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.