



08/12/2014

Dear Mr Blowe

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 044/14**

Thank you for your request for information regarding Public Order Training which has now been considered.

**Applicant initial Question:**

Please provide a copy of all course materials used for the Public Order Gold Commanders Training that took place on Thursday 09 October 2014.

**College of Policing Response:**

Section 17 of the Freedom of Information Act 2000 requires the College of Policing, when refusing to provide information by way of exemption, to provide you with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

I can confirm that the College of Policing does hold information captured by your request. I have pleasure in providing part information captured by your request, and for your convenience, these releases are detailed within the schedule attached to this refusal notice.

I am not obliged to provide information if information held is exempt by virtue of s.31(1)(b) Law Enforcement, s.43(2) Commercial Interests and s.21(1) Information reasonably accessible by other means.

**The legislation Section 31 Law Enforcement:**

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to –
  - (a) the prevention or detection of crime
  - (b) the apprehension or prosecution of offenders

Under s.31 of the Act, the College of Policing is able to withhold information if its disclosure would, or would be likely to, prejudice the prevention of crime or the apprehension or prosecution of offenders.

I have engaged the exemption above as the Public Order Gold Commanders Training is vital in ensuring Senior Officer competence in the use of proactively policing and commanding a Public Order incident.

Although a fictitious scenario is used as a basis for the exercise / training, the scenario is based on, in parts, real experiences within the police service, and the information contained within the exercise contains specific tactical techniques and tactical options and considerations available to the police service.

In order to satisfy your request, specific tactical options would have to be placed into the public domain. This information, if examined or available to an offender, would provide a tactical advantage over the police service. The offender, with knowledge of police techniques, would alter

their behaviour to counter police tactics. The offender would accordingly be more able to commit crime (i.e. resisting arrest).

This knowledge would likely provide the offender with greater confidence in committing crime, leading to further crime being committed by the offender. Knowledge of policing techniques and strategies would render police officers at greater risks of harm from an offender, as they would have a detailed knowledge of police tactical options available.

It is recognised that the general public rightly expect police officers to have the necessary training when interacting with members of the public. The release of the requested training material would show that the College of Policing has a comprehensive and clearly documented training package for policing public order and keeping the general public safe.

The College of Policing is committed to providing a service to the public and an important part is to share information of public interest. In this case, the release of the requested training material would ensure that the general public have a full understanding of specific techniques and tactical options when policing public order, facilitating an accurate public debate in this area of policing.

However, the role of the police service is to prevent and detect crime. It is likely than an offender, with knowledge of police techniques, would alter their behaviour enabling them to commit further crime. In the case of this requested information, release would be likely to make specific interactions, namely arrests and detentions more difficult. In addition, an offender armed with a detailed knowledge of police tactics, would feel more confident in committing crime. This would be likely to lead to further crime being committed by an offender.

There are occasions where the release of information relating to police techniques would have an adverse effect upon public safety. In this case, public release of the requested information would provide an offender with information that would, in the case of specific interactions, place officers and offenders at greater risk of injury.

The Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing willingness to provide the same response to anyone, including those who might represent a threat to the UK infrastructure. Information cannot be released under the Act solely to one particular applicant as information is released into the public domain.

Many resources are utilised in designing, creating and delivering the training. A vast amount of time has been spent on developing the exercise material to ensure the training environment is as 'real' as possible. These resources in the development of such training are funded by the public purse. To provide training material to 'the world' is effectively releasing the information into the public domain and making the material available to anyone who wished to view it. This includes any future Commanders who are yet to attend the training. Prior access to this material may place some Senior Officers at an unfair advantage to those that are not aware of its existence. This would also have ramifications as any assessors and/or accreditors will not be fully informed on whether the attendee of the course is showing full competency.

Therefore, to mitigate this, any release of the training scenario prior to attendees on the course will mean that the College of Policing will have to initiate the planning and development of a new scenario each time any information is released. This will have a detrimental effect on policing, as resources will be required to be utilised in the designing and creating of the training each time. This will have substantial cost implications and use more of any training budgets unnecessarily.

The 'public interest' is not the same as what might be of interest to the public. In carrying out a Public Interest Test (PIT) I have to consider the greater good or benefit to the community as a whole if the information is released. The 'right to know' must be balanced against the need to enable effective government, deliver efficient policing and to serve the best interest to the public.

The risk in providing the training material prior to any attendance on the training course, coupled with the further risk of disclosing tactical options available to the police service during a major public order

event leave me in no doubt that the balance, at this time lies in non disclosure of the withheld information.

### **The legislation Section 43 Commercial Interests:**

- (1) Information is exempt information if it constitutes a trade secret
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it)

This exemption applies because the release of the training material is commercially sensitive.

There is a legitimate public interest for the public to be satisfied that adequate training material is available for ensuring the competency of Gold Commanders in the event of policing a major public order event and in the best interests of the taxpayer.

The release of this information would demonstrate the College of Policing's commitment to its openness and transparency in relation to its commercial activities. However, there is a need for the College of Policing to ensure the training is delivered and managed effectively, and that no other training establishments are able to modify the training material, and deliver independently outside of the police service, diluting the credibility of the police training and undermining the professional service and delivery of the training

Commercial damage would occur to both ongoing training and any intended future training. This is likely to be resulting damage to the Commercial interests to the College of Policing.

The risk in providing the training material to 'the world', enabling the course material to be reproduced, diluting the learning, and the need to re-invent the course material after each disclosure, at a cost to the tax payer, leaves me in no doubt that the balance, at this time lies in non disclosure of the withheld information.

### **The legislation Section 21 Information Reasonably Accessible by Other Means**

- (1) Information which is reasonably accessible to the applicant otherwise than under s.1 is exempt information. This is an absolute, class based exemption and there is no requirement for me to consider the public interest.

The HSE Striking the Balance can be found via the internet. For your convenience however, I provide a direct web-link to this information:

<http://www.hse.gov.uk/services/police/duties.pdf>

IPCC Guidance on communicating with the media and the public in IPCC independent and managed investigations can be found via the internet. For your convenience however, I provide a direct web-link to this information:

<https://www.ipcc.gov.uk/news/guidance-communicating-media-and-public-ipcc-independent-and-managed-investigations>

Yours sincerely

Sherry Traquair  
**Sherry Traquair| FOIA Specialist Advisor**

Corporate Governance Team

[www.college.police.uk](http://www.college.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 the College of Policing 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 the College of Policing, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with the College of Policing, 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.