



Foreign &
Commonwealth
Office

Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

18 December 2014

Dear

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 1069-14

Thank you for your email dated 24 November 2014 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

'I request the following documents:

- those detailing if the Government of the United Kingdom, when deciding to award a contract to any private security company between 2009 - 2014 for services to protect British officials or staff (however described) located in Iraq, assessed such companies against Part Two A.III.10 ('Good Practice 10') and Part Two A.III.12 ('Good Practice 12') of the Montreux Document of 2008? If so, how were these assessments conducted and have reassessments been conducted since these contracts were awarded?;*
- those detailing if the Government of the United Kingdom, when deciding to award a contract to any private security company between 2011 - 2014 for services to protect British officials or staff (however described) located in Iraq, assessed such companies against paragraphs 55 and 59 of the International Code of Conduct for Private Security Service Providers of 2010? If so, how were these assessments conducted and have reassessments been conducted since these contracts were awarded?;*
- those detailing if the United Kingdom, since 17 December 2012, has conducted any assessment of private security companies engaged to provide protection services to British officials or staff (however described) located in Iraq against subparagraphs 9.3(c) and (e), A.9.3, A.9.5.1, A.9.5.3, A.9.5.4, A.9.5.5, A.10.2 and A.10.3 of ASIS PSC-1 2012?'*

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

We tendered opportunities for contracts in Iraq in 2008/09 and again in 2012/13. The Pre-Qualification Questionnaire (PQQ) in respect of the 2008/09 tender included the below question in respect of the Montreux Document:

Technical Questionnaire: 2.14 INTERNATIONAL HUMANITARIAN LAW/HUMAN RIGHTS LAW

	Question	Description	Question Type
2.14.1	13.1	* If you are not already familiar with it, please familiarise yourself with Part One of the Montreux Document (http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/montreux-document-170908/\$FILE/Montreux-Documents.pdf), and particularly paragraphs 22-27 and note that the UK Government has welcomed this Document. Please confirm that you are aware of the obligations of PMSCs and their personnel as described in the Document, and that your company will comply with these obligations and will instruct its personnel to do so as well.	Yes/No Value
2.14.2	13.2	* Please confirm whether you have already developed a written policy on compliance with the obligations of PMSCs and their personnel as described in the Montreux Document. If so, please provide a copy. If not, within what timescale can you develop such a policy?	Yes/No Value

The Invitation to Tender (ITT) in respect of the 2008/09 tender also included the following question relating to training and Montreux:

9. Please prepare a written plan for the training of your personnel on compliance with their obligations as described in the Montreux Document. Please provide a copy. Note that you will be required to provide reports every six months on the implementation of a training plan satisfactory to the UK Government.

The ITT and contract for the 2008/09 tender also included a copy of the Montreux Document.

In respect of the tender for the 2012/13 contract, the PQQ included the following on the ICoC:

1.8.8	-	INTERNATIONAL CODE OF CONDUCT (Generic Questions)		
	Question	Description	Question Type	Max score
1.8.9	E4.3 (a)	* Please confirm that you have signed the International Code of Conduct for Private Security Service Providers [document reference K.221.224-PMSC-RON dated 8 October 2010] and that your company will comply fully with the terms of the Code, as well as any resultant	Yes/No Value	0/0

		standards which follow there from, and will instruct its personnel and subcontractors to do so as well.		
1.8.10	E4.3 (b)	If you have answered 'No' to the above, please confirm whether you have a written policy on compliance with your the Code or any other standards which you have established within your organisation.	Yes/No Value	0/0
1.8.11	E4.3 (c)	If you have confirmed that you a written policy, please provide a copy.	Attachment	0/0

The ITT for the 2012/13 tender included the following Statement of Service Requirements:

4. The Contractor shall comply with The International Code of Conduct for Private Security Companies and Private Security Service Providers and the Iraqi legislation regarding Private Security Services in the promotion of high standards of conduct by private security companies and private security service providers.

The ITT and contract also includes a copy of ICoC.

The contract additionally also includes the following references to the Montreux Document, ICoC and PSC1:

Services

6.3. Where the Contractor is either a Private Security Company and/or Private Security Service Provider the Contractor shall provide the Services in full accordance with the Code of Conduct for private Security Companies and Private Security Service Providers and the Montreux Document as detailed in Section V, and any standards which follow therefrom e.g. such as the ASIS PSC1 standards for land based PSCs.

Standards

20.2 These standards will include compliance with ICOC ASIS PSC1 standards for land based PSCs as implemented in the UK via the UK Accreditation Service (UKAS) along with any subsequent International Standards Organization (ISO) standards which follow from the same.

During the procurement process the PQQ stage assesses a company's general eligibility to tender against a range of fairly standard selection criteria. At the tender (ITT) stage, in order to decide which company's solution is most suitable to win a particular contract opportunity, a detailed evaluation of company bids is carried out by the evaluation team against a range of award criteria.

It is important that companies' assertions of compliance with professional standards relating to private security companies (including human rights standards) during a tender process are reflected in the performance of the contract. The Foreign and Commonwealth Office seeks to ensure such continual compliance in a number of ways, such as: (a) contract management that takes place on the ground by our Overseas Security Managers; (b) London-based regular contract review meetings and

assessments; and (c) oversight by visiting Overseas Security Advisers at least once per year, but usually every 6 months. Key Performance Indicators (KPIs) are also used as a tool to support the contract. These are capable of being used in a flexible way to monitor/measure specific aspects of performance such as operations and training focussed issues including weapons handling and personal weapons tests.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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I hope you are satisfied with this reply. However, if you wish to make a complaint or if you would like a review of our decision, please write to the Information Rights Team, Foreign and Commonwealth Office, Room K4.14, King Charles Street, London, SW1A 2AH. E-mail: foi-dpa.imd@fco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

Conflict Department

