



CIVIL NUCLEAR CONSTABULARY

Email

[REDACTED]
[REDACTED]
[REDACTED]

The Executive Office
Civil Nuclear Constabulary
Building F6 Culham Science Centre
Abingdon
Oxon
OX14 3DB

Tel: 03303 135400

Website: <https://www.gov.uk/cnc>

28th June 2022

Dear [REDACTED]

I am writing in response to your request for information regarding the below. Your request has been handled under Section 1(1) of the Freedom of Information Act 2000. In accordance with Section 1(1) (a) of the Act I hereby confirm that the CNC/CNPA does hold information of the type specified.

I understand that the your police force discloses information upon request to the Disclosure and Barring Service in relation to processing of enhanced criminal records certificates (“ECRCs”). In accordance with the statutory guidance, the information disclosed on an enhanced criminal records certificate “can also disclose relevant police intelligence or non-conviction information” subject to the statutory test at s.113B(4) of the Police Act 1997.

I request the following information and documentation:

- (1) Please confirm whether internal disciplinary proceedings and/or rulings of the Independent Office for Police Conduct are considered “relevant police intelligence” and/or “non conviction information” for the purposes of fulfilling your obligations under s.113B(4) of the Police Act 1997;**
- (2) Please confirm whether the answer to (1) above has changed in the past 4 years;**
- (3) From January 2018 – present, please provide copies of any and all policy guidance and documents relating to the development of policy,**

whether formal or informal, with regards to your police force's processing of enhanced criminal record certificates (per s.113B(4) of the Police Act 1997) relating to current or former officers or members of staff.

1. The statutory position is as follows; s.113B(4) of the Police Act 1997, states that before issuing an enhanced criminal records certificate the DBS must request any relevant chief officer to provide any information which:(a) the chief officer reasonably believes to be relevant for the purpose described in the statement under subsection (2); and (b) in the chief officer's opinion, ought to be included in the certificate.

The statutory guidance sets out the principles to be applied by chief officers. The CNC is unable to confirm whether internal disciplinary proceedings and IOPC rulings would be classed as relevant information, as it would be considered on a case-by-case basis, based on the principles. As decisions are dependent on the individual circumstances of each case your question is classed as a conditional request defined in ICO guidance as 'requests that can be objectively read as only becoming active when certain conditions are met' and, as such, is invalid under FOIA.

It may be possible for you to refine your request to make it valid, although a specific request for information relating to a particular ECRC is likely to result in a response which would neither confirm or deny whether any information is held . To help you I would suggest you look at the Home Office Statutory Guidance at the following link

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033460/Stat_Dis_Guide_v.3.pdf

2. There have been no changes in the last 4 years.

3. The CNC currently has no policies on processing of enhanced criminal record certificates. This is due to the fact that Thames Valley Police carry out all of our vetting and therefore any enquiries would be dealt with by them and if there were any queries relating to disciplinaries they would liaise with the CNC. To date the CNC vetting department has not dealt with any requests.

The Civil Nuclear Constabulary is a specialist armed police service dedicated to the civil nuclear industry, with Operational Policing Units based at 10 civil nuclear sites in England and Scotland and over 1600 police officers and staff. The Constabulary headquarters is at Culham in Oxfordshire. The civil nuclear industry forms part of the UK's critical national infrastructure and the role of the Constabulary contribute to the overall framework of national security.

The purpose of the Constabulary is to protect licensed civil nuclear sites and to safeguard nuclear material in transit. The Constabulary works in partnership with the appropriate Home Office Police Force or Police Scotland at each site. Policing services required at each site are agreed with nuclear operators in accordance with the Nuclear Industries Security Regulations 2003 and ratified by the UK regulator, the Office for Nuclear Regulation (ONR). Armed policing services are required at most civil nuclear sites in the United Kingdom. The majority of officers in the Constabulary are Authorised Firearms Officers.

The Constabulary is recognised by the National Police Chiefs' Council (NPCC) and the Association of Chief Police Officers in Scotland (ACPOS). Through the National Coordinated Policing Protocol, the Constabulary has established memorandums of understanding with the local police forces at all 10 Operational Policing Units. Mutual support and assistance enable the Constabulary to maintain focus on its core role.

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 3 – 6 weeks. You should write in the first instance to:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

E-mail: FOI@cnc.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 CNPA.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

If you require any further assistance in connection with this request please contact us at our address below:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB
E-mail: FOI@cnc.pnn.police.uk

Yours sincerely
Kristina Keefe
Disclosures Officer