



CIVIL NUCLEAR CONSTABULARY

Mr. Nigel Dennis

Email: Nigel.dennis@cnc.pnn.police.uk

Our Ref: 2015-103

The Executive Office

Civil Nuclear Constabulary

Building F6 Culham Science Centre

Abingdon

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OX14 3DB

Tel: 01235 466428

Website: <https://www.gov.uk/government/organisations/civil-nuclear-constabulary>

Dear Mr. Dennis

I am writing in response to your request for information regarding the below received on 25 August 2015. 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.

Correspondences between the Chairman of the Civil Nuclear Police Authority and Chief Executive/ Chief Constable to the following individuals:

Baroness Sandip Verma Parliamentary Under Secretary of State DECC

Mr Stephen Lovegrove Permanent Secretary DECC

Mr Richard Westlake Head of Nuclear Resilience and Assurance DECC

Mr Eric Holiis, UKAEA Chief Finance Officer

Ms C Pridam, UKAEA Chief Finance Officer

Richard Stonham UKAEA Head of Pensions

During the period between April 2012 and July 2015, specifically relating to the enactment of the Public Services Pension Act 2013, (PSPA 2013), and the impact on its employees in Police "Federated ranks" to an increase from their current retirement age of 60 with occupational pension provision, to the state pension age of 68.

Please can you provide the minutes of any "consultation meetings" that have taken place between the CNPA/CNC in regard to the PSPA 2013 and the Civil Nuclear Police Federation in accordance with C3 Section 58 (2) of the Energy Act 2004., between April 2012 and July 2015.

In line with Schedule 10 Part III 6(3)(b) of the Energy Act 2004, the provision or maintenance of a pension scheme for employees of the CNPA requires the approval of the Secretary of State. In answering this FOI we have considered section 35 (formulation of Government policy and other Government Bodies) (1) (a) (b), however the use of this exemption is limited to Government departments and therefore we believe that section 36 (Disclosure prejudicing the effective conduct of public affairs) is more appropriate.

This information is exempt under section 36 (1) (b) (2) (b) (c) Disclosure prejudicing the effective conduct of public affairs

(1) This section applies to –

(b) Information which is held by any other authority

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-

(b) would, or would be likely to, inhibit –

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption and this means that the public interest test must be applied.

Given that policy development is still ongoing at this time, there is a clear public interest in ensuring that there is a proper safe space for full and frank discussion as part of that policy formulation and development in regards to the enactment of the Public Services Pension Act 2013, (PSPA 2013), and the impact on its employees in Police "Federated ranks "to an increase from their current retirement age of 60 with occupational pension provision, to the state pension age of 68. Disclosure would promote accountability and transparency by public authorities for decisions taken by them. In placing an obligation on authorities and officials to provide reasoned explanations for decisions made, will improve the quality of decisions and administration in future.

The CNC/CNPA recognises a general public interest in promoting openness. However, the purpose of the exemption at s36 of the Act is to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy development, including the exploration of all options, the keeping of detailed records and the taking of difficult decisions. Release of any information at such formative stages is likely to give rise to public concern and comment and further question which will prejudice public affairs as it will detract from the necessity to formulate proposals and options for proper debate and consideration and may cause unnecessary worry and concern amongst the public and local authority officers. It is the CNC/CNPA view that disclosure of the information requested would impact on that safe space and adversely inhibited the policy process.

Additionally, releasing this information could lead to further requests that may hinder the debate and exploration of the full range of policy options in this area, and could result in putting the CNC/CNPA into the position of having to defend everything that has been raised (and possibly later discounted) during deliberation.

We are therefore withholding this information under section 36 (1) (b) (2) (b) (c).

The Civil Nuclear Constabulary is a specialist armed police service dedicated to the civil nuclear industry, with Operational Policing Units based at 11 civil nuclear sites in England, Scotland and Wales and over 1400 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 11 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:

Sarah Shevlin
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:

Sarah Shevlin
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

E-mail: FOI@cnc.pnn.police.uk

Yours sincerely

Sarah Shevlin
Disclosures Officer
Civil Nuclear Constabulary