



CIVIL NUCLEAR CONSTABULARY

Email: Gensec@cnpolfed.co.uk

Our Ref: 2015-125

The Executive Office

Civil Nuclear Constabulary
Building F6 Culham Science Centre
Abingdon
Oxon
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 28 September 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.

Please can the following information be supplied under the Freedom of information Act 2000;

E mails, letters and minutes of meeting between;

Mr Mike Griffiths CBE, Chief Constable/ Chief Exe/ Civil Nuclear Constabulary .

Simon Chesterman QPM, Deputy Chief Constable / Capability Director, Civil Nuclear Constabulary.

Richard Cawdron Head of Executive Office and Legal Services. Civil Nuclear Constabulary.

And ;

Richard Westlake, Head of Nuclear Resilience and Assurance DECC.

Specifically concerning the contract of employment of Civil Nuclear Constabulary Police Officers, who are no longer capable of fulfilling their role due to being unable to fulfil the standard of physical fitness in their role of a Police Authorised Firearms Officer, to the level recognised by the Collage of Policing; and who would, by virtue of their contract of employment may be entitled to a compensation payment approved by DECC and funded by HMG Treasury.

The information requested is specifically relating to a period between, December 2013 and September 2015.

This information is exempt as it constitutes legal advice. The information has been communication between lawyers and clients. This information cannot be disclosed because the confidential relationship between lawyer and client is protected. This information is therefore exempt under Section 42 (Legal Professional Privilege).

Public interest considerations favouring disclosure

There is a general public interest in authorities being accountable for the quality of their decision-making and ensuring that decisions have been made on the basis of good quality legal advice is part of that accountability. Transparency in the decision-making process and access to the information upon which decisions have been made can enhance this accountability. It could also be seen that there is a public interest in some cases in knowing whether or not legal advice has been followed.

Public interest considerations favouring withholding the information

Section 42 reflects a strong public interest in the Constabulary being able to communicate freely with its legal advisers (both internal and external) to provide and receive advice in confidence. The Constabulary requires a high quality and comprehensive legal advice for the effective conduct of their business. That advice needs to be given in context and with a full appreciation of the facts, which is necessary to be sought and given in a timely fashion to ensure policy develops in a fully informed way. The legal advisors (either internal or external) need to be able to present the full picture to the Constabulary which not only includes arguments in support of their conclusions, but also the arguments that may be made against them. It is in the nature of legal advice that often sets out the possible “for and against” arguments a particular view of weighing up their relative merits. Without such comprehensive advice the quality of the Constabulary’s policy and decision-making would be much reduced for the following reasons:

- It would not be fully informed and this would be contrary to the public interest;
- There is a risk that should legal advice be disclosed, it could mean lawyers and the Constabulary are likely to avoid making a permanent record of the advice given in future policy/decision-making processes
- To disclose information provided in a legal capacity to a third party could breach the confidentiality status of privileged communications with in-house lawyers
- It may also affect confidential communications between in-house lawyers and third parties when seeking evidence for these purposes.

Disclosure of legal advice provided in confidence also has a high potential to prejudice the Constabulary’s ability to defend its legal interests, particularly when the advice has been fully considered and presented without fear or favour, which are neither in the public interest. To disclose such information could result in serious consequential loss, or at least, a waste of resources in defending unnecessary challenges. The latter may result in poorer decision-making because the decisions may not be taken on a fully informed basis.

Therefore, on balance of the above arguments, the CNC have reached the view that the public interest is better served by withholding this information under Section 42(1) of the FOIA at this time.

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