

24th August 2016

I refer to your above numbered request submitted pursuant to the Freedom of Information Act.

You received a response from this office on the 1st July you have subsequently asked that this response be subject to the relevant internal review procedure conducted within the Office of the Police and Crime Commissioner. I confirm that I have now conducted the relevant review.

For ease of reference I attach a copy of Mr Bage's letter to you of the 1st July last, which sets out the full text of your request, together with his response.

By way of email dated the 7th August, you asked that the original decision made by Mr Bage should be reviewed. You wrote as follows:

"I am writing to request an internal review Of Cleveland Police and crime Commissioner's handling of my FOI request "Request for Copies of "Commercially Confidential" Policies Utilised by Tascor In Their Role as Your Strategic Partner". It is unacceptable to suggest that your office, who is responsible for overseeing the contract provided to Tascor Services as its signatory, does not know of and cannot obtain policies implemented by its PFI contracted partner that they implement when carrying out the contracted services on behalf of you and Cleveland Police. It is suggested that the OPCC for Cleveland gave a contract to a private company, a contract that has the welfare of members of the public at its core, but has no responsibility or interest in knowing whether Tascor Services is carrying out the contracted services on your behalf legally or illegally? Please could you refer this Freedom of Information Request to whoever is responsible over in Cleveland Police; somebody at the local police force must surely be aware of its sub-contractors implemented policies and how it conducts its business."

I confirm that the earlier response that you received from this office was entirely correct in stating that the Office of the Police and Crime Commissioner does not hold any policy documents of the type specified by you. As you will appreciate, the Freedom of Information Act only extends to information "held" by a public body.

The role of the Commissioner in relation to the provision of custody services does not extend to any immediate operational matters, which remain firmly within the province of the Chief Constable. The issues in relation to which you seek access to policy documents, are clearly operational matters. All aspects of the treatment of those detained in police custody are dealt with in the Codes of Practice to the Police and Criminal Evidence Act 1984, with which any subcontractors working within police custody suites would have to comply. It would be a matter for the police to monitor such compliance. If there were concerns regarding any continuing breach of appropriate standards that might cause a contractor to be in breach of the contract, then such matters ought to be referred to the Commissioner for action.

In order to assist, I will forward your request to Cleveland Police for consideration, and will consider if there might be any provision within the relevant contract which might enable us to assist you further.

I should however point out that you describe the policies to which you seek access as being "commercially sensitive", which may mean that such policies, if available, (and whoever may have possession of them) could be caught by the exemptions contained in section 43 of the Freedom of Information Act.

I will contact you again as soon as possible.

Yours faithfully,

Stephen Hodgson
Solicitor
Office of the Police and Crime Commissioner for Cleveland.