

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 February 2025

Public Authority: The Chief Inspector of Constabulary
Address: 23 Stephenson Street
Birmingham
B2 4BH

Decision (including any steps ordered)

1. The complainant has requested copies of minutes of the Police Performance Oversight Group. The above public authority ("the public authority") relied on section 33 of FOIA (audit) to withhold the requested information.
2. The Commissioner's decision is that the public authority is entitled to rely on section 33 of FOIA and that the public interest favours maintaining the exemption.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 18 April 2024, the complainant wrote to the public authority and requested information in the following terms:

"Please provide the minutes for each meeting of the Police Performance Oversight Group for the years 2020 – 2024."
5. The public authority responded on 10 May 2024. It relied on section 33 of FOIA to withhold the requested information – a stance it upheld following an internal review.

Reasons for decision

6. Section 33 of FOIA allows a public authority to withhold information if disclosing that information would harm its ability to perform an audit function.
7. The Commissioner accepts that the public authority has audit functions. This is because [section 54\(2\) of the Police Act 1996](#) states that:

“The inspectors of constabulary shall inspect, and report on the efficiency and effectiveness of, every police force maintained for a police area.”
8. The public authority noted that all the police forces it inspects are placed in one of two categories: Engage – where it is considered they need extra support to fulfil their functions; or Scan – where no extra support is considered necessary.
9. The public authority explained that:

“The Policing Performance Oversight Group (PPOG) is part of the inspectorate's formal process within Engage. When a force has been placed into the Engage stage of the monitoring process, its case is then automatically escalated to PPOG. At this stage, forces are asked to carry out a comprehensive analysis and develop an improvement plan to set out how causes of concern will be addressed...The PPOG is usually held three times a year (sometimes less frequently) and is chaired by His Majesty's Chief Inspector of Constabulary (HMCI). Other HMIs and senior members of the inspectorate's staff attend, and invitations are extended to:

- relevant chief constables (that is, those whose forces are within Engage);
- relevant PCCs;
- NPCC Chair and performance lead;
- College of Policing chief executive officer;
- APCC national performance leads; and
- Home Office Policing Director.

“At the PPOG meeting, the HMI responsible for the inspection of that force explains why it has been placed or remains in Engage and summarises the most recent HMICFRS engagement with the force. The chief constable is asked to provide an oral or written presentation on the problems which have caused the force to be in Engage, his or her proposed remedies and / or progress to address the concerns. The Local Policing Body (PCC, PFCC or elected Mayor) sets out the

challenge and support given to the force. There follows a discussion by the members of the PPOG as to the adequacy of the remedial plans and the potential for offers of support. As explained, the PPOG regime is one of support and the facilitation of assistance. Forces in Engage are invited to attend every PPOG meeting until it is decided by HMCI to move them out of the Engage process.

"The PPOG provides a forum in which other interested parties – such as the College of Policing, the National Police Chiefs' Council (NPCC), Home Office and the Association of Police and Crime Commissioners (APCC) – can assist the force in finding ways to improve and resolve identified causes of concern, where they have not been successful in doing so independently. The problems addressed are often difficult: were that not the case, forces would not require the support of Engage.

"Attendees are clearly told that meetings are confidential in order to encourage them to speak freely. Information is shared on that basis. HMICFRS regards PPOG as a vital space for frank and private discussion between forces within Engage and other sector professionals.

"The PPOG offers a meeting environment conducive to open and frank discussion. This enables HMICFRS to do the following:

- Gain further information in a formal setting from the chief constable of the force about their plans to improve the force's efficiency and effectiveness;
- Hear any representations or observations the local policing body wishes to make;
- Help provide support so the force can improve its efficiency and effectiveness. This help is usually given by the College of Policing and other forces (often co-ordinated by the NPCC lead for performance);
- Make sure the Home Office is kept informed of the inspectorate's concerns about the forces performance and the steps being taken to remedy any performance failures; and
- Determine whether, and under what conditions, HMCI should consider informing the Home Secretary of failures or potential failures in the force. This enables the Home Secretary to assess the efficiency and effectiveness of the force and decide whether to exercise powers of intervention.

"There is no specific statutory basis for HMICFRS's engagement process (the essential statutory powers being to inspect and report), but the focus on improvement is part of HMCIC's organisational strategy and consistent with its ultimate statutory purpose: the self-evident reason

why Parliament has given the Inspectors of Constabulary their statutory powers is to drive improvement. The work of monitoring and inspection continues in parallel, so that PPOG (as a forum for informal dialogue and guidance) operates alongside HMICFRS's powers to report publicly on the efficiency and effectiveness of the force. HMICFRS regards the combination of a private forum for discussion alongside its public inspection function as far more effective than either part would be individually. Its core statutory duty to report, however, ensures that the public is kept informed both about the economy, efficiency and effectiveness of individual police forces and about the state of policing in general."

10. The public authority noted that it could not compel chief constables to appear before the PPOG. It has no statutory power to compel any force to comply with any recommendation it makes – whether made at PPOG or elsewhere within the organisation.
11. The public authority felt it was more likely than not that its audit functions would be harmed by disclosure of this information.

The Commissioner's view

12. The Commissioner considers, having seen a sample of the withheld information, that disclosure would harm the public authority's audit functions.
13. The public authority has noted that it does have statutory powers in order to carry out its functions, but that the best way to discharge its functions is to use both formal and informal means.
14. The PPOG is the public authority's safe space in which chief constables can be candid about the problems that they face and the public authority and others can provide support or guidance to help address those issues.
15. Based on the sample of withheld information he's seen, the Commissioner notes that the total number of pages within each set of minutes is roughly four times the number of forces that were considered at that meeting. This gives some indication of the level of detail recorded about the discussions that took place.
16. Whilst the Commissioner is not persuaded that chief constables would refuse to attend this group if they were concerned that any issues raised would be placed into the public domain, he does recognise that placing information in the public domain would reduce the candour – and therefore the effectiveness of such meetings.

17. Were minutes of such meetings to be published routinely, the Commissioner considers it likely that attendees would be less candid, thus reducing the quality and therefore the usefulness of the discussion. If the stakeholders involved do not fully understand the issues a force is facing, they will find it more difficult to offer appropriate support to help the force improve – which is ultimately what the public authority is trying to achieve.
18. The Commissioner is therefore satisfied that the exemption is engaged.

Public interest test

19. Even where disclosure would harm an audit function, the information must still be disclosed unless the balance of the public interest favours maintaining the exemption.
20. The Commissioner notes that the police are responsible for maintaining law and order in this country. As part of that role, police officers have considerable powers to restrict the rights and freedoms of their fellow citizens. There is a considerable public interest in ensuring that such powers are being exercised responsibly and proportionately. In addition to addressing those questions, the public authority is also responsible for ensuring that forces are spending public money in a responsible manner.
21. When seeking an internal review, the complainant argued that the public interest should favour disclosure because:

“Based on the limited publicly available material the PPOG body is clearly critical to the functioning of police forces in the UK – particularly those forces which have been assessed as failing to provide the necessary standards to the public. Despite this critical function the PPOG is not widely known about. The publication of the material requested would take substantial steps to furthering public understanding in decisions made by police forces nationally and enable a greater degree of public participation in debate.

“It would appear that critically important decisions regarding police forces, in particular those which are failing to meet the required standard are made at PPOG meetings. However almost no information regarding PPOG is provided to the public to ensure the public are informed to a sufficient degree that they can hold forces to account. This is clearly not an acceptable state of affairs.”
22. The Commissioner accepts that there is a strong public interest in understanding the decision-making process that determines whether a police force should have a status of “Scan” or “Engage.”

23. However, this public interest is already met because the public authority already [publishes details](#) of the forces that have been placed in "Engage" and the reasons for those decisions. The public authority also [publishes details of the forces previously in Engage](#) and the reasons why they were moved back to Scan.
24. Whilst the Commissioner accepts that publishing the more detailed minutes would add further to public understanding of the decisions, this would come at a cost to the public authority's ability to operate an efficient audit, for the reasons set out above.
25. In the Commissioner's view the public interest in preventing harm to the public authority's audit functions outweighs the public interest in disclosure.
26. The information can therefore be withheld.

Right of appeal

27. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

28. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
29. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
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