**Hydrant Programme**

**Freedom of Information Requests**

**NPCC Publication Strategy**

This document should form part of the overall NPCC Hydrant Programme Communications Strategy and should be read in conjunction with it.

**Background to the Hydrant Programme**

Operation Hydrant was established in 2014 following a surge in reporting by adult victims and survivors of non-recent child sexual abuse, prompted by revelations of the large scale offending by Jimmy Savile following his death. This led to a significant focus in the public narrative on child sexual abuse committed by people in positions of power, authority, and trust, and the holding of institutions to account for their response to victims of child sexual abuse.

Operation Hydrant was initially established primarily to provide operational coordination around the surge in victim and survivor reporting. However, since its inception, Operation Hydrant has evolved organically, flexed, adapted and responded dynamically to provide coordination for policing across a range of matters relating to child sexual abuse, child sexual exploitation, and the spectrum of wider vulnerability.

This has resulted in a structure which is effectively being called upon, and delivering, a wide range of outcomes for policing and key partners and stakeholders, which fall outside its original purpose and scope.

In addition to this, the operating context has moved on. Key variables in this context include:

* The conclusion of the work of the IICSA in late 2022. This will remove the requirement for Operation Hydrant to act as the interface between the work of the Inquiry and policing.
* A shift in focus on the type of suspects subject to non-recent allegations. People of Public Prominence now form less than 3% of all recorded allegations, and within this category, the suspects are not generally household names or high profile individuals likely to attract intense and prolonged media and public scrutiny and interest. In 2014, allegations and speculation regarding abuse by high profile individuals dominated the public narrative, today this is no longer the case.
* Large and complex investigations spanning multiple forces are now rare, removing the requirement for Operation Hydrant to coordinate the policing response, and secure primacy. Processes in place today provide adequately for primacy to be achieved without the requirement for national coordination.
* Developments in technology have removed the requirement for Operation Hydrant to provide an operational coordination and deconfliction function. This includes advancements in PND.

On the basis of these factors, Operation Hydrant undertook a process of consultation and review in 2021 to determine the value and impact of the functions currently delivered, measure demand across its business functions, and to identify potential gaps to inform forward planning.

The outcomes of this process informed the future structures recommendations, which were shared with the NPCC lead for CPAI for sign off in October 2021: the Operation Hydrant governance group in November 2021; and the CPAI working group in November 2021.

The review concluded that Operation Hydrant provided a range of functions to national policing, which it was important to continue delivering, and for which there was continued or expanding demand. These included:

* The coordination function in respect of national or critical issues which overarch local investigations and national policing portfolios.
* Acting as a centre of expertise on child sexual abuse and exploitation, capturing learning and disseminating good practice and producing resources for policing, undertaking the critical friend function both informally and formally.
* The Peer Review and Peer Support function.
* The capacity to provide or contribute to, a national strategic analytical function.
* The ability to provide a national coordinating response to emerging issues of criticality or complexity.
* Receiving safeguarding referrals from non-policing organisations and disseminating within policing.
* Proactively engaging with partners and stakeholders to build and develop pathways between policing and other organisations,
* Ensuring that those key stakeholders are informed on the policing approach and have the opportunity to dialogue around shared issues relating to vulnerability.

The review also concluded that the current requirement of national policing from Operation Hydrant was for an operating model which delivered the functions identified above, but which did so beyond the current narrow criteria focused on non-recent child sexual abuse by people of prominence or within an institutional setting. In practice, Operation Hydrant has been delivering within this wider arena for some time already, meeting the needs of forces, and bridging a gap in current service delivery available elsewhere. This “wider offer” will therefore encompass child sexual abuse and exploitation, and not just non-recent child sexual abuse within the established Operation Hydrant criteria, but support the full spectrum of work falling within the NPCC child protection and abuse investigation portfolio.

The review also recommended that other functions, which no longer add value or have been superseded, would be withdrawn. These include the maintenance of a HOLMES database for the purposes of operational coordination and deconfliction and its supporting functions. Operation Hydrant’s role as interface to the Independent Inquiry into Child Sexual Abuse would naturally conclude following publication of the IICSA’s final report in 2022, and the conclusion of the statutory period which follows it.

A Restructure Implementation Project, reporting to the Operation Hydrant Governance Group, oversaw and directed the transition to the new structures, with 2022 as a transition year, full new structures in place by 1 August 2022, and embedding through the latter part of 2022.

In 2016, for the purposes of transparency and accountability, Operation Hydrant established an FOI Publication Strategy. Upon transition to the new structure on 1 August 2022, this FOI Publication Strategy was closed. The data published within it will remain accessible via the NPCC website. This FOI Publication Strategy was established to meet the needs of the Hydrant Programme.

**Freedom of Information Act 2000 (FOI)**

The legislation gives the public an automatic right to request information from a public authority (PA). For the purposes of the Hydrant Programme the relevant public authorities will be the NPCC and all home office forces holding relevant information. It is important to note that any information held by a public authority (PA) for a business purpose, regardless of its origins or author, will be subject to the legislation. It is mandated that the information holder, receiving the request, will be solely responsible for decisions regarding disclosure. However, under Part IV of the Secretary of State’s Code of Practice, governed by section 45 of the legislation, there is a clearly defined requirement to consult with third parties who may be affected by any such disclosures.

In order to facilitate this, all FOI requests capturing Hydrant Programme information, are until further notice, considered to be a mandatory referral to the NPCC Freedom of Information and Data Protection Unit (NPFDU) as per College of Policing Authorised Professional Practice (APP), a process all chief officers are signed up to. Upon receipt of a referral, the NPFDU will ensure that the Hydrant Programme communications team and stakeholders are consulted for a view on disclosure or retention of the requested information. In addition, whilst the application of neither confirm nor deny (NCND) will be strictly maintained wherever possible, it cannot be considered as a blanket approach in handling such requests and must be dealt with on a case-by-case basis in line with the public interest arguments. These collective views from the main stakeholders will be provided to the PA in receipt of the request in order that it can make a properly informed final decision which is based on a national corporate view and supplemented by their own local factors. It is important that each request is dealt with on a case by case basis.

Regardless of the final decision on disclosure, the NPFDU Central Referral Unit (CRU) will ensure that the Hydrant Programme communications team is informed of the request. Each PA receiving a request should also ensure that their local media / communications team is aware.

In addition to the above, the NPCC Hydrant Programme FOI Publication Strategy has been formulated in order to allow any public authorities to take advantage, when appropriate, of the exemption within FOI legislation found at Section 22.

Section 22 may not be used, and authorities may not take the decision to publish the information, **after** the request for information is received. The key to it is that the decision to publish must have been made prior to any request for the information being received.

The NPCC decision to produce this intention to publish data means that the Section 22 exemption is engaged for any PA wishing to apply that exemption. That decision does not have to have been made by the PA receiving the request, but can be made by any party who also holds the same information.  **This publication strategy is therefore transferable between all relevant parties covered by the Hydrant Programme.**

The identified benefits of engaging this exemption are that dealing with requests for certain data can be complex and resource intensive. The exemption allows for the removal of predicted demand and enhanced transparency where appropriate. Also, random piecemeal disclosures may in fact damage the investigation process and affect the strategic aims of the Hydrant Programme. This can manifest itself in many ways but can include disclosures which enable offenders to evade the investigative process, create concerns among victims, witnesses, and impact on the vulnerability of those falling within the remit of the operation. There will also be an appetite from the news media and others to gain knowledge and data via FOI, and publication will provide for transparency and accessibility to information which is not sensitive for operational or other reasons.

The application of this exemption also allows a sterile period, prior to publication, where all the stakeholders are able to engage, ensuring the final publication meets the full needs of the public and the authorities involved. This co-ordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

What is critical to the success of this strategy is that any rationale for not complying with the Section 22 approach is recorded so that a precedent is not set which undermines other PAs ability to engage the exemption. This is most likely to occur as a result of an overriding, compelling, public interest factor, specific to an individual request, as the exemption itself is subject to a public interest test and such matters must be dealt with on a case-by-case basis.

The NPCC intend to publish in the future, information on costs, resources, and statistics relating to the Hydrant Programme. Individual forces may also decide to publish material. If so, a decision must be established prior to the receipt of an FOI request. The table, at Appendix A, is information the NPCC will undertake to publish.

**Data Protection Act (DPA)**

In addition to FOI requests, a relevant PA may also receive a request under subject access for personal information under the DPA. The main difference between this and FOI is that a release of personal information is not a release to the world in general. Although it is impossible to prevent what a data subject may do with their information, the information itself is also subject to a range of exclusions to disclosure, primarily law enforcement. As with FOI, the ultimate decision on disclosure will lay with the individual data controller, but in contrast to FOI, the personal information may not be held by all PAs involved in the operation.

Whilst there is no formal referral process for DPA requests, PAs are encouraged to refer such requests to both the NPCC lead and the NPCC DP Officer who will be in a position to provide corporate advice and direction on disclosure in conjunction with other relevant stakeholders.

As the information under DPA is of a personal nature there is potential for certain subjects to seek to publicise the response they receive to their request, especially if there is a sense of injustice. It is therefore important that local media / communications teams are briefed on any DPA disclosure, by their own PA, who will then be responsible for notifying the Hydrant Programme communications team.

**Appendix A - Information held by the NPCC**

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| **Type of Information** | **Relevant Material** | **Publication Strategy** |
| Statistics | TBC following implementation of the new structure, refinement of the A and R processes, and dialogue with VKPP |  |
| Governance | Governance Group – membership and remit | Initially, and as refreshed |
| Resources – Human and Financial | Overall BudgetFunding sources / budget allocation.Expenditure over the previous financial year as global figure.* Staffing
* Legal costs.
* Staff travel and expense claims
* Accommodation
 | Annually at the start of the financial year. |
| Staffing Levels | Number of police officers and police staff engaged on Operation HydrantNumber of seconded officers by ForceNumber of Seconded police staff by ForceResource structure and function (by role). | Annually at the start of the financial year. |
| Strategies, Policies, and Guidance Documents | Communications StrategySIO Advice | Initially and as refreshed.College of Policing website |
| Working documents  | Media ReleasesAnnual Report | Publish as issuedAnnually as produced |

It is unlikely that any information will be released under FOIA that would be likely to prejudice ongoing police investigations or cases, or any information that would reveal policing tactics or methodology. As a result, a number of exemptions are likely to be engaged where such disclosures would impact on Section 23 Information supplied by or concerning certain Security Bodies with possible CEOP involvement, Section 30 Investigations, Section 31 Law Enforcement, Section 38 Health & Safety and Section 40 Personal Information. Careful consideration must also be given to the ‘mosaic’ effect whereby the overlap or linking of strands of information can provide a fuller picture and thereby present an increase in risk.

Information may be disclosed through carefully managed media releases as and when necessary with the approval of the Hydrant Programme Head of Communications and in consultation with the Director of the Hydrant Programme or his Deputy.

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| **Version** | **Date** | **Authorised by (Name and Position)** | **Signature** |
| **1** | **August 2022** | **DCC Ian Critchley,****NPCC lead for child protection and abuse investigation** |  |
| **1** | **August 2022** | **Richard Fewkes,****Director,****Hydrant Programme** |  |
| **1** | **August 2022** | **Jacqui Hanson,****Head of Communications,****Hydrant Programme** |  |