

The Dummies' Guide to Delaying Legal and Constitutional Scrutiny in Policing

How to Manage Information Without Saying You Are Managing Information

Introduction

This paper examines a single document.

It is the NPCC's Operation Talla Publication Strategy, authorised by NPCC Chair Martin Hewitt.

The purpose of this paper is not to speculate about motives.

It is simply to read the document, identify the processes it establishes and ask a constitutional question:

What practical effect would these processes have upon public scrutiny during a nationally coordinated policing operation?

Rule 1 - Centralise Everything

The first lesson is straightforward.

Although Freedom of Information requests are received by individual public authorities, the strategy requires that all Coronavirus-related requests are referred to the NPCC Freedom of Information and Data Protection Unit. Not because disclosure decisions are removed from local authorities, but because a national corporate view is first assembled before local decisions are taken.

Rule 2 - Ensure Everybody Speaks With One Voice

The strategy explains that stakeholders should be consulted. Those collective views are then provided to the authority handling the request in order to allow a decision based upon a national corporate view together with local considerations. Whether that improves consistency or reduces independent local decision-making is left entirely to the reader.

Rule 3 - Publish Later

Perhaps the most interesting feature appears next.

Rather than immediate disclosure, the strategy expressly explains how Section 22 of the Freedom of Information Act may be engaged.

The principle is simple.

If publication has already been decided before an FOI request arrives, disclosure can potentially be deferred until the planned publication date.

Rule 4 - Create a Sterile Period

The strategy then introduces one of its most striking expressions.

A "sterile period."

Its stated purpose is to allow stakeholders to engage before publication, ensuring that final publication meets the needs of authorities and the public while avoiding *"random incomplete information entering the public domain."*

The document uses the phrase neutrally.

Readers may nevertheless ask an obvious constitutional question:

What opportunities for scrutiny exist during a deliberately created sterile period?

Rule 5 - Avoid Setting Difficult Precedents

The strategy explains that any departure from using Section 22 should itself be carefully recorded so that precedent is

not created which could undermine future reliance upon the exemption.

Consistency is therefore not limited to publication. It also extends to the continued availability of the publication strategy itself.

Rule 6 - Decide When Information Becomes Public

Appendix A lists extensive categories of information.

Many categories, including overtime costs, national decisions, ethics committee summaries, PPE procurement, hate crime data and recruitment information, were scheduled for publication only at the conclusion of Operation Talla or no later than July 2022.

The strategy therefore distinguishes between information existing and information becoming publicly available.

Those are not necessarily the same point in time.

Rule 7 - Coordinate Communications Too

Even where disclosure occurs, communications teams are also to be informed.

The strategy therefore addresses not only disclosure itself but the management of communication surrounding disclosure.

Conclusion

Read carefully, this document is not a manual for avoiding scrutiny. It is actually a manual for coordinating publication.

Whether coordinated publication strengthens transparency or delays legal and constitutional scrutiny is not answered by the document.

That is the question the document leaves for everyone else.

Its importance lies not in what it accuses anyone of doing. Instead, it lies in what it openly says should be done.

Read the NPCC document for yourself, using this link:

https://ethicalapproach.co.uk/operation_talla_publication_strategy_covid_19.pdf

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