Dear [Name],

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or ‘FoIA 2000’) request dated 20 October 2016. I note from your request that you seek the following information:

'I am the complainant in the Investigatory Power Tribunal (IPT 15 586 CH) against Cleveland Police. The public hearing commences on December 15 2016.

Within a statement for the Respondent, reference is made to a training event which took place at Ryton in February 2012. This was a national course for Authorising Officers as per the Regulation of Investigatory Powers Act 2000,

Would it be possible to request the following for use within these judicial proceedings only:

1. course objectives
2. training methodology
3. precis of trainers training qualifications and experience (no requirement for any personal data)
4. course materials (presentations, handouts, workbooks etc)

Decision

After conducting careful searches for any information relevant to your request, I can confirm that there is information held in relation to your request and this is provided below:

The AO course, which you confirmed was the one that ran from Monday 13th February 2012 to Friday 17th February, was run by the National Policing Improvement Agency (NPIA), which was subsequently replaced...
by the College of Policing in late 2012. This course has since been changed and superseded and although the College still runs the same course the content will be different from the course run in 2012.

Due to the 2012 course taking place a few years ago under the NPIA and being superseded, the College of Policing doesn’t hold any specific information regarding this course in terms of training methodology, course materials, course objectives or precis of trainers training qualifications and experience.

However based on how current courses are run we can confirm that it is likely that the facilitator of the 2012 course would have been an NPIA member of staff who would have had AO knowledge or experience. The presenters of the sessions on the course will have been subject matter experts, however we don’t hold any information as to the specific trainers and their qualifications.

Also although we no longer hold any information around the objectives of the 2012 course, based on our searches we have located a document that provides the learning descriptors for the 2012 course. It will have been these learning descriptors that will have been worked to in 2012 and I have attached a copy of this document as ‘Disclosure 1’

May I take this opportunity to thank you for your interest in the College of Policing. Your attention is drawn to the complaint rights provided in Appendix A.

Yours sincerely,

Tom Mullen | Legal Researcher
Ethics, Integrity and Public Interest Unit
College of Policing

Email: FOI@college.pnn.police.uk
Website: www.college.police.uk
Appendix A
Complaint Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the College of Policing to have the decision reviewed.

Complaints should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

**The Information Commissioner**

If, after lodging a complaint with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [https://ico.org.uk/for-the-public/official-information/](https://ico.org.uk/for-the-public/official-information/).

Alternatively, write to:

**Information Commissioner’s Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: +44 (0)1625 545 700
Learning Descriptor
Regulation of Investigatory Powers
Act 2000

Authorising Officer
# Table of Contents

1. Target Groups ................................................................. 1
2. Module/Unit Summary ...................................................... 1
3. Learning Outcomes .......................................................... 1 - 2
4. Module/Unit Content .......................................................... 3 - 6
5. Reading List ....................................................................... 6
   5.1 Required Reading ......................................................... 6
   5.2 Recommended Reading .................................................. 7
6. Delivery Method ................................................................. 7
7. Progression Routes ............................................................ 7
8. Assessment ........................................................................ 7
9. Role Profiles ...................................................................... 7
10. National Occupational Standards ....................................... 8
11. Professional Practice ........................................................ 9
13. Statutory Instruments (Regulations) ................................. 9
Target Groups

The target group for this module is officers who are to carry out the key functions of Authorising Officer for surveillance and CHIS operations regulated by RIPA 2000. To be eligible, they must have successfully met local force selection criteria and hold the appropriate rank of:

- Inspector
- Chief Inspector
- Superintendent
- Chief Superintendent

Module/Unit Summary

The purpose of this module is to equip an officer with the necessary knowledge and skills to become competent and confident to be able to carry out the appropriate key functions in the role of an Authorising Officer in accordance with procedures and best practice and in compliance with the RIPA 2000.

Learning Outcomes

The following Learning Outcomes have been identified:

1. RIPA legislation and policy
   1.1 Explain and apply the surveillance and/or CHIS legislation applicable to the Authorising Officer
   1.2 Explain and apply the legislation and policy in relation to the Use and Conduct of Juvenile CHIS
   1.3 Explain and apply the legislation and policy in relation to the Use of Adult CHIS
   1.4 Explain and apply the legislation and policy in relation to Directed Surveillance
   1.5 Identify and apply where appropriate, the legislation, policy and relevant Case Law in relation to Criminal Infiltration and Agent Provocateur
   1.6 Explain and apply where appropriate, the legislation and policy in relation to Disclosure, Public Interest Immunity and Human Rights Act

2. Risk Management
   2.1 Apply risk management strategy
   2.2 Use risk assessment and control measure issues in relation to a juvenile CHIS
   2.3 Use risk assessment and control measures in relation to an adult CHIS
   2.4 Use risk assessment and control measure issues in relation to Directed Surveillance
2.5 Recognise risk assessment and control measure issues in relation to criminal infiltration
2.6 Explain the duty of care issues in relation to CHIS

3. Office of Surveillance Commissioners
3.1 Explain the role of the Office of Surveillance Commissioners in relation to CHIS and Surveillance

4. Writing Authorisations
4.1 Complete a RIPA authorisation

5. Relationship between NIM Problem Profile, Intelligence and Operational activity
5.1 Identify the relationship and distinguish between NIM Problem Profile, intelligence and operational activity

6. Telecommunications
6.1 Explain and apply the knowledge and information required to authorise applications for telecommunication matters under RIPA 2000

7. Financial and other rewards
7.1 Assess and authorise the options for payment of financial and other rewards (including expenses) to CHIS

8. Legal Proceedings
8.1 Perform the role of an Authorising Officer at a legal proceeding
4 Module/Unit Content

1. RIPA legislation and policy

1.1 Explain and apply the surveillance and/or CHIS legislation applicable to the Authorising Officer
- The reasons for the implementation of RIPA
- The historical background and context which led to the development of the Human Rights Act
- Reasons for the implementation of the Human Rights Act and describe the relevant articles
- The roles and responsibilities of the AO in the authorisation process
- Discuss proportionality, ‘necessity’, ‘collateral intrusion’ and ‘less intrusive means’ as contained within RIPA 2000
- Relevant levels of authorisations required

1.2 Explain and apply the legislation and policy in relation to the Use and Conduct of Juvenile CHIS
- The correct criteria for authorisations
- Relevant age(s) for juvenile CHIS
- Restrictions placed on the provision of information by juvenile CHIS
- Relevant timescales for Use and Conduct for juvenile CHIS
- An application for Use and Conduct and authorise/not authorise it in accordance with current legislation and policy
- The need to keep accurate records as required by legislation and policy

1.3 Explain and apply the legislation and policy in relation to the Use of Adult CHIS
- The correct criteria for authorisations
- The concepts of proportionality, necessity and collateral intrusion
- An application for Use and Conduct and authorise/not authorise it in accordance with current legislation and policy
- The need to keep accurate records as required by legislation and policy

1.4 Explain and apply the legislation and policy in relation to Directed Surveillance
- The correct criteria for authorisations
- The concepts of ‘proportionality’, ‘necessity’ and ‘collateral intrusion’ as contained within RIPA 2000
- An application for Use and Conduct and authorise/not authorise it in accordance with current legislation and policy
- The need to keep accurate records as required by legislation and policy
1.5 Identify and apply the legislation, policy and relevant Case Law in relation to Criminal Infiltration and Agent Provocateur
   - Explain the term ‘Agent Provocateur’
   - The concept of Criminal Infiltration
   - Relevant case law
   - Identify risk assessment and control measure issues

1.6 Explain and apply where appropriate, the legislation and policy in relation to Disclosure, Public Interest Immunity and Human Rights Act
   - The latest issues in disclosure and PII
   - Examples of PII issues that occur in covert investigations
   - Examples of ‘sensitive’ and ‘non-sensitive’ material
   - The meaning of ‘prosecution’, ‘defence statement’ and the consequences of failing to comply with the rules
   - The Public Interest Immunity process in relation to an investigation and sources of information
   - Examples of relevant case law to be considered when making decisions on disclosure issues

2. Risk Management.
   2.1 Apply the appropriate risk management strategy
      - The appropriate ACPO NSWG standards
      - The duty to public and colleagues, both ethical and under the Health and Safety and Human Rights legislation

   2.2 Apply risk assessment and control measure issues in relation to a juvenile CHIS
      - Relevant Risk Assessment and Control Measure issues
      - Best practice when dealing with juvenile CHIS issues

   2.3 Apply risk assessment and control measures in relation to an adult CHIS
      - Relevant Risk Assessment and Control Measure issues
      - Best practice when dealing with adult CHIS issues

   2.4 Apply risk assessment and control measure issues in relation to Directed Surveillance
      - Relevant Risk Assessment and Control Measure issues
      - Best practice when dealing with directed surveillance issues

   2.5 Apply risk assessment and control measure issues in relation to criminal infiltration
      - Relevant Risk Assessment and Control Measure issues
      - Best practice when dealing with criminal infiltration issues
2.6 Explain the duty of care issues in relation to CHIS
   - The extent of Law Enforcement responsibilities for duty of care of CHIS
   - Relevant Case Law in relation to duty of care
   - Relevant legislation in relation to duty of care
   - Relevant policy in relation to duty of care

3. **Office of Surveillance Commissioners.**
3.1 Explain the role of the Office of Surveillance Commissioners in relation to CHIS and Surveillance.
   - The role of the Commissioners
   - The role of the Inspectors
   - The key areas the Inspection Unit are looking for during inspections
   - The reporting procedure of the Inspection Unit.
   - Good and bad practice as discovered by the Inspection Unit

4. **Writing Authorisations**
4.1 Complete a RIPA authorisation
   - Good and bad practice when authorising directed surveillance
   - The operational impact of when an authorisation is granted or refused
   - The adverse consequences of completing inaccurate authorisations

5. **Public Interest Immunity and Disclosure**
5.1 Describe disclosure, PII and Human Rights Act legislation in relation to the Authorising Officer.
   - The latest issues in disclosure and PII
   - Examples of PII issues that occur in covert investigations
   - Examples of ‘sensitive’ and ‘non-sensitive’ material
   - The meaning of ‘prosecution’, ‘defence statement’ and the consequences of failing to comply with the rules
   - The Public Interest Immunity process in relation to an investigation and sources of information
   - Examples of relevant case law to be considered when making decisions on disclosure issues

6. **Telecommunications**
6.1 Apply the knowledge and information required to authorise applications for telecommunication matters under RIPA 2000
   - The relevant sections of RIPA
   - The issues involved in authorising accuracy in relation to telecommunications
   - The role of a SPOC

7. **Financial and other rewards**
7.1 Assess and authorise the options for payment of financial and other rewards (including expenses) to CHIS
8. Legal Proceedings
8.1 Perform the role of an Authorising Officer at a legal proceeding
   - Explain decisions in a legal proceeding
   - Preparation to be undertaken when required to give evidence at court regarding an authorisation
   - The terms proportionality, necessity, collateral intrusion and less intrusive means
   - Expectations of the prosecution barrister prior to giving evidence
   - Potential pitfalls when giving evidence in court
   - Behaviour expected when giving evidence in court
   - Strategies for dealing with defence barristers in legal proceedings

5 Reading List
5.1 Required Reading

The following publications contain knowledge considered essential to role: personnel are required to read them to enhance the achievement of the outcomes:

- Home Office – Covert Surveillance Codes of Practice 2005*
- Home Office – Acquisition and Disclosure of Communication Data Code of Practice 2007*
- Covert Human Intelligence Code of Practice 2005*
- ACPO - Covert Human Intelligence Source Manual 2006**
- ACPO - Surveillance Manual 2008**

* To be found at:
  www.genesis.pnn.police.uk – NPIA Specialist Operational Support – Specialist Operations Centre – Covert Advice Team – RIPA Codes of Practice

** To be found at:
All forces are issued with these references: if difficulties arise with locating them, the Covert Advice Team can be contacted.
5.2 Recommended Reading

The following best practice/doctrine contain knowledge considered relevant to role; personnel are encouraged to read them to enhance the achievement of the outcomes:

- Guidance On The Lawful And Effective Use Of Covert Techniques (The Legal Framework and Covert Operational Management) – NPIA 2008

6 Delivery Method

The following delivery methods are recommended for these outcomes:

- Workbook
- Hydra simulation
- Didactic input
- Classroom-based learning
- Work based coaching and mentoring

7 Progression Routes

Officers who successfully complete this module will be able to perform the role of an Authorising Officer as regulated by RIPA 2000.

8 Assessment

A common level of knowledge should be achieved by all personnel prior to commencing this module. A series of ‘Hydra’ exercises can be used to accurately assess comprehension of learning throughout completion of the module.

9 Role Profiles

Skills for Justice have not developed a specific Role Profile for the RIPA AO, however, the Role Profile “Determine and Review Authorisations” (CC4) (NOS 40), refers to a number of authorisations that are required by law (search, detention, firearms deployment, etc).
10 National Occupational Standards

The relevant National Occupational Standards for this role are contained within the table below: they underpin the Learning Descriptors and lesson plans.

<table>
<thead>
<tr>
<th>Core Responsibility</th>
<th>Activity / NOS</th>
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| **Personal Responsibility** | Maintain standards for the management of information - 660 (HF14)  
Maintain standards of professional practice – 217 (4C3, AA1, AE1, HI1, Z13, D2, HA1, HA2)  
Promote equality, diversity and Human Rights in working practices – 141 (AA1, AC1, D1) |
| **Intelligence** | Use information/intelligence to support policing objectives - 57 (CB1, CB2) |
| **Investigations** | Determine and review authorisations – 40 (CC4)  
Manage Investigations – 11 (2G1, 2H7, HD6)  
Monitor and evaluate the quality of investigations – 10  
Present evidence in court and at other hearings – 44 (DA5) |
| **Finance and Resources** | Manage the use of finance and resources – 1007 (HE1) |
| **Police Operations** | Authorise and review policing operations - 72 (CC4)  
Formulate, monitor and review tactics to achieve strategic objectives for policing operations (Silver) – 108 (CC2)  
Identify and manage operational threats and risks – 204 (CC5, HB10) |
| **Behaviour Area** | **Activity/NOS** |
| **Leading People** | Effective Communication - B |
| **Leading the Organisation** | Planning and Organising - B |
| **Leading the Way** | Respect for Race and Diversity – A  
Strategic Perspective - B |
| **Personal Responsibility** | Personal Responsibility - A |
11 Professional Practice

- Guidance On The Lawful And Effective Use Of Covert Techniques (The Legal Framework and Covert Operational Management) – NPIA 2008

12 Acts of Parliament

- The Police Act 1997
- The Data Protection Act 1998
- The Criminal Procedure and Investigations Act 1996
- The Health and Safety at Work etc Act 1974
- Human Rights Act 1998

13 Statutory Instruments and Regulations

The following Statutory Instruments apply:

- The Management of Health and Safety at Work Regulations 1999