

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 October 2020

**Public Authority:** Chief Constable of Cumbria Constabulary  
**Address:** Cumbria Constabulary Headquarters  
Carleton Hall  
Penrith  
Cumbria  
CA10 2AU

### Decision (including any steps ordered)

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1. The complainant has requested information about attendance at activated alarms from Cumbria Constabulary (the "Constabulary"). The Constabulary advised the complainant that it does not hold the requested information. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the requested information is not held. No steps are required.

### Background

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2. The request refers to alarm calls received by the police. The National Police Chiefs' Council ["NPCC"] has a published policy on the police's attendance / non-attendance to alarm calls which is available on its website<sup>1</sup>. This "*Police Requirements & Response to Security Systems*" policy explains that there are two types of alarm systems, namely "A" and "B".

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<sup>1</sup><https://www.npcc.police.uk/documents/crime/2018/Security%20Systems%20Policy%202018.pdf>

3. Type A systems are managed through accredited suppliers and: "*should be monitored by Alarm Receiving Centres (ARCs), Remote Video Response Centres (RVRC) and System Operating Centres (SOC)*". Unique reference numbers (URNs) are issued by police forces to systems monitored by these recognised centres; there is a fee for this service. However, if there are three 'false calls' in a rolling 12 month period, police response to type A alarms will be withdrawn and certain criteria will need to be met before it will be reinstated.
4. Type B systems include: "*Installation and monitoring companies that are not registered with their home force*" and are regarded as "*NON COMPLIANT*". URNs are not issued to such security systems as they operate outside the procedures identified in the policy.
5. This request concerns "type B" alarms. The NPCC policy states:

### ***"3.6 POLICE ATTENDANCE - Type B Security Systems***

*3.6.1 The electronic security industry has seen an increase in the availability of Type B alarms. These are being sold and bought with the expectation of prompt police attendance. Whilst not wishing to preclude the ability to provide a prompt response to crimes in action, observations as to the development of this technology has led to significant amount of false calls and additional demands and higher expectations of police attendance than would be appropriate.*

*3.6.2 To obtain police attendance, Type B systems will require evidence from **a person at the scene** that a criminal offence is in progress which indicates that a police response is required. This will require the presence of a person(s) such as a member of public, owner or agent at or in close proximity to the location of the incident. The addition of electronic means or non-compliant systems to provide confirmation will not promote such systems to Type A to achieve police response.*

*3.6.3 There is no guarantee of police response to Type B systems. Type B calls should be passed to the police directly from a person at the location of the incident by dialling 101 or 999 as appropriate not through a third party or compliant / non-compliant monitoring centre. The police response will depend on the quality of the evidence received and if given may be significantly slower to the response given to Type A systems.*

*3.6.4 Automatic dialling equipment **must not** be programmed to call police telephone numbers.*

*3.6.5 Calls received from non-compliant monitoring centres without a valid URN are **unlikely to** receive a police response.*

*3.6.6 Compliant ARCs must not pass Type B system activations via the police dedicated ex-directory telephone numbers".*

6. The Constabulary also refers to "THRIVESC" which is an acronym for "Threat – Harm – Risk – Investigation – Vulnerability – Engagement – Safeguarding – Harm". In respect of this, it explained to the Commissioner that:

*"... whilst other policies form part of the wider decision making process, the Incident Management/Response Procedure and Command Protocol does take primacy for the decision making re attendance/non-attendance at incidents, based on the outcome of a THRIVESC assessment".*

7. In support of this, it provided the Commissioner with a copy of its "Incident Management/ Response Procedure and Command Protocol", which is not available in the public domain as it has sensitive content. It confirmed she could publish the following extracts from that document to assist with the decision-making in this case:

***"Procedure statement***

*Cumbria Constabulary will respond appropriately to all incidents and public contact into the Command & Control Room (CCR). All incidents and contact will be risk assessed and managed initially by the CCR in line with the Code of Ethics, ECHR, National and Force Policies and Procedures.*

*This procedure will provide staff involved in incident management and deployment with guidance that will allow appropriate decisions to be made with regard to the level of response required in order to meet demand for service.*

***The CCR takes primacy for the Command and Control of all incidents reported to Cumbria Constabulary via the Force Control Room.***

*This procedure is compliant with the National Standards for Incident Recording (NSIR), National Crime Recording Standards (NCRS) and National Call Handling Standards (NCHS).*

*Cumbria Constabulary aim to achieve this by ensuring:*

*Adherence to the procedure on incident logging and grading, including risk assessment, identification of vulnerability, the requirement for safeguarding and NCRS.*

*Emergency incidents are prioritised and dealt with promptly and efficiently.*

*Incidents that do not require Police attendance will be dealt with by first contact resolution (FCR), referred to an appropriate internal resource or signposted to the relevant external agency or service provider.*

*Members of our communities reporting incidents will be advised of the level of response they can expect. If police attendance is not appropriate then the reason for this will be fully explained to ensure that public expectations are well managed”.*

And:

*“THRIVE SC is a mandated risk assessment model adopted by Cumbria Constabulary and all CMR [Call Management and Resolution] officers will be trained in the use of this. All CMR agents will use the mnemonic THRIVE SC. It considers eight elements to assist in the risk assessment stage and identification of the appropriate response grade based on the needs of the caller and the circumstances of the incident. It not only assists in the decision of grading it also assists in the decision on future actions, safeguarding, further engagement, crime identification and investigation.*

*All incidents will be subject to the application of professional discretion. Incident classification will no longer influence the response grading”.*

8. The Commissioner also queried how it dealt with type A alarms and was advised:

*“If a Type A alarm is activated this would result in automated notification from the alarm which would generate a 999 call and which in turn would automatically create a grade 1 response.*

*In the event of the activation of a Type A alarm which had been withdrawn or suspended, automated notification to the police of that activation would not occur and where the Constabulary was informed by other means, for example by way of a call from a member of security staff, or a member of the public, a THRIVESC assessment would be undertaken and the outcome of this would determine whether officers would attend”.*

9. Reference is also made below to the National Decision Model<sup>2</sup>.

## Request and response

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10. Following earlier correspondence on the same subject matter, on 5 March 2020 the complainant made the following revised information request concerning the Constabulary's attendance at Type B alarm calls:

*"The constabulary inform the public that they will achieve a 'consistent level' of service, and being a national policy they are trying, or should be trying, to achieve a national level. The policy has been in place for 24 years and the constabulary MUST SURELY KNOW what they are trying to achieve, for they tell the public they will reach that 'consistent level'. The question is really simple, they say they will achieve that consistent level, but don't actually say what that level is, so quite simply, what is it? After 24 years do they actually know?"*

*The policy says the Type B alarms will require 'a person at the scene' to report what they believe is a crime either in progress or to have occurred; invariably it will be the key-holder, for the principle is that the police will not attend until that occurs. That 'consistent level' attendance to Type B activation's should be 0%, but in reality it isn't; so what is it the constabulary is aiming at? It is THE CONSTABULARY that is reassuring the public with that 'consistent level' with the attendance/non-attendance to Type B activation's, I am simply asking what it is they are aiming at. ... it should be zero. They apply THRIVE (even though a 2nd Risk Assessment is NOT in the policy, for it makes a nonsense of it) and attend, so what are they aiming at to conform with that national commitment they publish?"*

11. The request was clarified again, on 6 March 2020, as:

*"The last figure [the Constabulary] provided me with was 55% attendance to Type B alarms, BUT: **'what is the 'consistent level of service figure (of attendance/non attendance to Type B alarms that the constabulary are aiming to achieve to live up to their published policy wording?'** The policy the Cumbria publish says: '..... Requirement produced by the NPCC [National*

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<sup>2</sup> <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/>

Police Chiefs' Council] *should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service.'*

***It is not something that requires further research, after 24 years they either know it, or they don't. Either way, just say the consistent figure they aim for to comply with that policy statement; like the others [police forces] it should be near zero percent. I would expect their response to end with a certain figure which they should then say: '..... and this is consistent with the national level of service'. I know that it is NOT 55%, but that is another issue".***

12. On 2 April 2020, the Constabulary responded, explaining how it applied the THRIVESC and NDM approach (see 'Background' above) to dealing with all incidents; it did not cite any exemptions.
13. The complainant requested an internal review on 17 April 2020. On the same day, the Constabulary responded and advised that its response of 2 April 2020 was its final position, albeit it did write to him during the Commissioner's investigation in an unsuccessful effort to informally resolve the case.

## Scope of the case

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14. The complainant contacted the Commissioner on 25 July 2020 to complain about the way his request for information had been handled. His grounds, which provide further background and rationale for his request, were as follows:

*"I submitted my FOI to Cumbria Constabulary to test how they performed to the information they published, for the public to apparently make 'informed decisions' regarding the purchase of a Police Compliant Alarm system. Those that go down the Compliant system route are a Type A alarm and are issued with a Unique Reference Number (URN), and those that choose not to, are a Type B system. I won't bore you with the intricacies of the policy, but it is a national one that has been in place for 25 years. Basically, the National Police Chief's Council (NPCC) require that in order to obtain a police response to an activation, either an intruder (burglar) alarm or hold-up (panic) alarm, they require that member of the public to purchase such an alarm from a policy compliant company, pay extra costs for the application, and more crucially, agree to their alarm being made 'Inactive' if they have a set number of unacceptable false activation's in any 12 month period. The alarm will then be put into an 'Inactive' status AND they are actually banned from ringing up the police about an activation during this*

*period. They must put right those faults (sensor and/or staff training) and show a period of 90 days free of false activation's before it will be re-instated; if not, it can lead to it being permanently 'Deleted'. That 'Inactive' status, means it is treated the same as those alarm users who, after having that same 'informed choice', never applied for a police compliant alarm; namely both require a key-holder to firstly attend and if they witness what they believe to be criminal activity, then it is at that point they should ring the police who will attend a report of a crime. This information is what is in the policy and is the ONLY information the police publish for the public to make an informed decision on.*

*The policy begins by stating in the first paragraph:*

*'Requirement produced by the NPCC should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service...'*

*As this is the ONLY document and assurance Cumbria Constabulary inform the public of, then it is the ONLY thing they can be expected to be measured on, by the public. The policy also contains a section that says the constabulary will not alter it.*

*The constabulary replied to my FOI request by saying:*

*To achieve a consistent level of service Cumbria Constabulary use a risk based decision making model "THRIVESC and the NDM". This means that every incident is risk assessed based on the information available. A decision on how to best deal with the incident is then made. There is no "target" based approach to how many incidents of a specific nature we attend. The response to each incident will be based on risk assessments. There are however built in risk assessments within certain policies that will dictate police attendance automatically.*

*This means that the constabulary are applying something that they do not inform the public of; it also means they ban one group on Key-holder attendance only, while they accept calls from others on the same attendance BUT do not inform the public of this. There has never been any effective accountability to the public on how the police, and in this case Cumbria Constabulary, apply this policy, which leads to that 'Arrogance of Governance and Defective Decision Making' that the Information Commissioner speaks of, and that lack of accountability is therefore allowed to secretly drive the constabulary's actions. If the above statement is the best way to serve the public, then simply tell them of this, AND (crucially) the scale of the attendance to these non-compliant (Type) alarms. Effectively, the police have identified those alarm sensor*

*activation's they should not attend, and when they receive them, they then apply an undisclosed Risk Assessment, and then attend.*

*I expect the constabulary to confirm that anything they do in assessing calls of sensor activation's from non-compliant Alarm Receiving Centres, will take them TOWARDS their stated goal of requiring them to contact a key-holder first, as their published policy states and not AWAY from that goal, thereby giving the general public that consistent level of service they have said they will.*

*As an example, a simple ethical response would be: 'In line with our publication of the national NPCC policy, we firmly adhere to this by insisting that when a call is received from an alarm activation that does not have a police issued URN, then we advise the caller that the police will not attend and they should firstly send a key-holder, who should contact the police if they find a crime appears to have been committed. Inevitably, breaches will occur but we identify these and speak with individual staff members that sent the police response and remind them of our commitment to the public, in line with our published (national) policy and our policing principles of Openness, Honesty, Fairness, and Integrity. By adopting this approach, we fully comply with the policy, and adhere to the stated 'consistent level of service'. In this was we serve the public in an ethical manner, by giving ALL the public an 'Informed Choice' and leave it to them to then decide whether they wish to have a police response to any activation'.*

*To move away from that I would expect the constabulary to confirm, and fully evidence, how it fits with the above stated policing principles AND indicate to me where on their website they inform me and other members of the public of this...*

*... I personally have spoken with a number of Compliant Alarm Companies and members of the public who have compliant alarms, all are unaware and surprised at the constabulary attending non-compliant systems. In short, the police should be giving the public the service they say they will give, and THAT is contained only in their publication of the national policy".*

15. The Commissioner has explained to the complainant that she is unable to adjudicate on such matters or determine whether or not policies are being effectively or consistently adhered to. She advised that, in this case, she is only able to consider whether or not the Constabulary holds any recorded information which would satisfy the complainant's request; she will do so below.



16. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the FOIA. The FOIA is concerned with transparency of information held by public authorities. It gives an individual the right to access recorded information (other than their own personal data) held by public authorities. The FOIA does not require public authorities to generate information or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

## **Reasons for decision**

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### **Section 1 – general right of access**

17. Section 1 of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and, if so, to have that information communicated to them.
18. In this case, the complainant suspects that the Constabulary holds information from which it could answer the request. The Constabulary's position is that it does not.
19. In cases where there is some dispute about the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner – following the lead of a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely, or unlikely, that the public authority holds information relevant to the complainant's request.
20. The Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information is held, she is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.
21. Therefore, the Commissioner has sought to determine whether, on the balance of probabilities, the Constabulary holds any recorded information within the scope of the request. Accordingly, she asked the Constabulary to explain what enquiries it had made in order to reach the view that it did not hold the information.

22. In response to her enquires she was advised as follows:

*"... I have reviewed the file relating to this request which includes the detailed enquiries made by the person who undertook the internal review. Additionally, I have also made further enquiries which have included liaising with the current Alarms Manager ... and also the Chief Inspector who has responsibility for the Constabulary's Command and Control Room.*

*The Command and Control Room [CCR] acts as a point of contact for the Constabulary for alarm activations and calls about the same, and wider requests for service, and it is officers and staff within the CCR who are involved in the deployment of officers to incidents including, where appropriate, alarm activations. Given the relevance of the Alarms Manager role to the request and the role of the CCR in the deployment of officers it was considered likely that if the information sought by the applicant was held, the current Alarms Manager and the Chief Inspector of the CCR would be aware of this and also where such information would be recorded.*

*In response to my enquiries, I received written confirmation that the Constabulary does not hold information which identifies a 'consistent level of service figure' with regards to attendance at Type B alarm activations and nor is there evidence to suggest that such a figure has ever been held. It was also confirmed that the Constabulary does not operate attendance targets of the nature described by the applicant ...*

*... the Constabulary takes cognizance of the NPCC document, revised in April 2020, entitled 'Police Operational Advice and Security Industry Requirements for Response to Security Systems', the existence of which I understand you are already aware of".*

23. The Constabulary confirmed that it had undertaken a search of documents held on its SharePoint system, which includes policy / procedural related information, using the keyword 'alarm'. It advised that, as well as the current NPCC policy referred to above, it had located two further 'policy' related documents. One of these documents was an earlier version of the current policy and the other was a document which it provided to the Commissioner for consideration; the Commissioner can confirm it does not contain the information requested.

24. As has previously been explained to the applicant, the Constabulary advised that it does not operate a "target based approach" to determine whether incidents, including alarm activations, should be attended by officers. It said that an assessment is made which takes account of the available information and the potential risks that are, or may become, apparent. It advised that this process is guided by the risk based

decision making model "THRIVESC" (as referred to in 'Background' above) and the National Decision Model.

25. The Constabulary added:

*"If the information sought by the applicant was held by the Constabulary the logical location for this would be within the NPCC Requirements document referred to above, and/or within the 'Incident Management/Response Procedure and Command Protocol'. The information is in neither.*

*Accordingly, I have concluded that the information the applicant has requested is not held by Cumbria Constabulary".*

26. It further explained:

*"The Constabulary is aware the applicant disagrees with the approach taken with regards to determining attendance at Type B alarm activations and there has been a range of correspondence with the applicant ... However, the Constabulary is firmly of the view that each incident should be assessed on its own merits using the process described above and where the THRIVESC model determines police attendance is required, this will continue to happen".*

*The Commissioner's conclusion*

27. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in the paragraphs, above, the Commissioner is required to make a finding on the balance of probabilities.
28. When dealing with a complaint to her under the FOIA, it is not the Commissioner's role to make a ruling on how a public authority deploys its resources, on how it chooses to hold its information, or the decisions it makes to hold some, but not other, information. Rather, in a case such as this, the Commissioner's role is simply to decide whether or not, on the balance of probabilities, the public authority holds the requested information.
29. While appreciating the complainant's frustration that the Constabulary does not hold information within the scope of his request, the Commissioner is mindful of the comments made by the Information

Tribunal in the case of Johnson / MoJ (EA2006/0085)<sup>3</sup> which explained that the FOIA:

*"... does not extend to what information the public authority should be collecting nor how they should be using the technical tools at their disposal, but rather it is concerned with the disclosure of the information they do hold".*

30. The Commissioner considers that the Constabulary contacted the relevant parties to consider whether or not any information was held in respect of the request. It also offered a reasonable explanation to support why the requested information is not held, ie that CRR staff follow the THRIVESC procedure as primacy for determining whether or not to attend all incidents, including alarm activations. Whilst she understands the complainant's concerns that THRIVESC seems to not align directly with national policy, this is not something which the Commissioner has any legal authority to comment on as it falls outside her jurisdiction.
31. Based on the information provided, the Commissioner is satisfied that, on the balance of probabilities, no recorded information within the scope of the request is held. She is therefore satisfied that the Constabulary has complied with the requirements of section 1 of the FOIA in this case.

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<sup>3</sup><http://informationrights.decisions.tribunals.gov.uk//DBFiles/Decision/i90/Johnson.pdf>

## Right of appeal

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32. 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: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

33. 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.
34. 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** .....

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**