



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-03869

**Keyword:** Finance

**Subject:** PSNI Childcare Voucher Scheme

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1, 2, 3, 5, 6, 7 and 8 in full; and
- fully exempt information in response to question 4 pursuant to the provisions of Section 43 of the Act.

### Question 1

Number of employees in your organisation.

### Answer

As at 1<sup>st</sup> November 2011 the total number of employees in the organisation was 10, 414.

### Question 2

Number of employees using the childcare voucher scheme.

### Answer

The current number of employees using the scheme is 502.

### Question 3

Current childcare voucher scheme provider.

### Answer

The current childcare voucher scheme providers are Employers For Childcare.

### Question 4

Current service charge of your childcare voucher scheme.

### Answer

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

### Section 43 (2) Commercial Interests

This is a class based exemption which means that the public authority must demonstrate that it is satisfied that to release the information would damage someone's commercial interests. It is also a qualified exemption which means that the public authority must consider the balance of the public interest in releasing the information against the public interest in withholding it.

Contracts are awarded following a procurement process in which tenders are invited from interested parties. The service charge was calculated as part of this tendering process and to release details of this may potentially reveal a company's pricing structure for supplying the vouchers.

### **Public Interest Test**

#### Factors Favouring Disclosure

There is public interest in ensuring that public money is spent correctly and that PSNI, and therefore the tax payer, gets value for money.

Where a tendering process is undertaken by any organisation, it naturally follows that there will be a decision at the end of it as to who the contract should be awarded to. There is an obvious public interest that whatever decision is made, not only that it is the correct decision but also that it is made for the right reasons and that the PSNI are getting value for money when purchasing goods and services.

#### Factors Favouring non-Disclosure

Disclosure of information concerning a company's pricing structure would make it less likely that companies or individuals would provide the PSNI with commercially sensitive information in the future and consequently undermine the ability of the PSNI to fulfil one of its roles of running fair tender competitions.

Companies compete by offering something different from their rivals and any difference will often be reflected in their price. This may also relate to the quality or specification of the product they offer. Information identifying this unique element is likely to be commercially sensitive and may also inadvertently reveal information about profit margins.

### **Balancing Test**

Release of details about pricing of tenders would not be in the public interest as it would harm the process of future tenders entered into by the company concerned and would harm future tenders made by PSNI. Disclosing details of the service charge offered by the current provider of childcare vouchers may provide an unfair advantage to one company if they wish to undercut another during any forthcoming tendering process. No release of information should be made under FOI that will give one person a commercial advantage over another and the exemption under S43(2) of the act caters for this situation. My decision, therefore, is not to release the answer to question 4 at this time.

**Question 5**

Renewal date for childcare voucher scheme contract (if applicable).

**Answer**

The current contract expires in May 2012. After this date the PSNI will be included in the Northern Ireland Civil Service (NICS) childcare voucher scheme.

**Question 6**

Will the Police Service Of Northern Ireland go through a tender process when renewing the contract to choose a voucher provider?

**Answer**

No. PSNI will be party to the NICS childcare voucher scheme which will be tendered by Central Procurement Directorate.

**Question 7**

Do you use a framework agreement to choose your childcare voucher provider?

**Answer**

No.

**Question 8**

If yes, can you please supply me with the name of the framework agreement?

**Answer**

Please see response to question 7.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

