



The PPP Arbiter

Publication scheme:

Guide to information

1 January 2009

Role and approach of the PPP Arbiter

The role of PPP Arbiter was created by the Greater London Authority Act 1999 (the GLA Act) to give guidance or directions on matters relating to the London Underground PPP Agreements. Although appointed by the Secretary of State for Transport, the Arbiter is independent of Government and of the Parties to the PPP Agreements.

In giving guidance or directions, the Arbiter is under a statutory duty to act in the way he considers best calculated to achieve four objectives:

- to ensure that London Underground has the opportunity to revise its requirements under the PPP Agreements if the proper price exceeds the resources available;
- to promote efficiency and economy in the provision, construction, renewal, or improvement and maintenance of the railway infrastructure;
- to ensure that if a rate of return is incorporated in a PPP Agreement, and taking into account matters specified in the Agreement, a company which is efficient and economic in its performance of the requirements in that PPP Agreement would earn that return; and
- to enable the Infracos to plan the future performance of the PPP Agreements with reasonable certainty.

The Arbiter is also under a duty to take account of any factors which are notified to him by both Parties to an Agreement, or are specified in the relevant PPP Agreement, as ones to which he must have regard.

Following consultation, the Arbiter has adopted the following aim for his work, and that of his Office:

The aim of the PPP Arbiter and his Office is to give sound and timely guidance and directions on relevant aspects of the PPP Agreements when this is requested, and to work constructively with the Parties to the PPP Agreements in support of their key objective of providing to the public a modern and reliable metro service in a safe, efficient and economic manner.

We seek to achieve this by:

- *working within a clear, transparent and consistent framework;*
- *giving reasoned guidance and directions which are based on well developed analysis shared with the Parties and procedures which achieve predictability in process and outcome;*
- *establishing effective dialogue with the PPP Parties and other stakeholders to facilitate timely response to requests for guidance or direction, while maintaining our independence; and*
- *operating to high standards of accountability in all our actions.*

Further information on the functions, duties and approach of the Arbiter can be found on the Arbiter's website <http://www.ppparbiter.org.uk>

1 Introduction

- 1.1 The Freedom of Information Act 2000¹ (the FoIA) received Royal Assent on the 30 November 2000. The Act gives the public a general right of access to certain types of recorded information held by public authorities.
- 1.2 The PPP Arbiter was designated a public authority by Order of the Secretary of State on the 9 April 2004².
- 1.3 The FoIA requires the Arbiter to adopt and maintain a publication scheme that sets out the information he intends to pro-actively publish as a matter of routine. A publication scheme commits a public authority such as the Arbiter to make information available to the public as part of its normal business activities. The scheme divides information into types of information known as classes of information.
- 1.4 The Information Commissioner's Office has developed a model publication scheme for use by public authorities. The Arbiter has adopted this model scheme with effect from 1 January 2009. The model scheme is annexed to this document.
- 1.5 The model publication scheme commits a public authority to indicate clearly to the public what information is covered by the scheme and how it can be obtained. This document fulfils that purpose.
- 1.6 You may ask the Arbiter to provide you with any information that he keeps which is not exempt under the FoIA. The Arbiter must have regard to provisions set out in the GLA Act, specifically section 235 which restricts the disclosure of information by him. The Arbiter must also comply with the Data Protection Act 1998³.
- 1.7 The Arbiter has not listed in this guide every document available but has instead outlined where the information within the classes may be obtained. Most of the information listed in the classes is available on the Arbiter's website⁴. Alternatively, it may be requested from his Office.

¹ The Freedom of Information Act 2000 is at http://www.opsi.gov.uk/acts/acts2000/ukpga_20000036_en_1.

² Statutory Instrument 2004 No 938 is at <http://www.legislation.hmso.gov.uk/si/si2004/20040938.htm>.

³ The Data Protection Act 1998 is at: <http://www.hmso.gov.uk/acts/acts1998/19980029.htm>.

⁴ The PPP Arbiter's website is at <http://www.ppparbiter.org.uk>.

2 Classes of information

2.1 Listed below are the classes of the information which the Arbiter makes routinely available for public access.

Who the PPP Arbiter is and what he does

2.2 This class comprises information such as details of:

- the role and responsibilities of the Arbiter;
- the structure of the Arbiter's office;
- relevant legislation and interfaces with Government departments and the PPP Parties;
- members of the Arbiter's Advisory Board and senior staff; and
- contact details⁵.

2.3 Information covering each of these areas is available on the Arbiter's website in the section entitled 'About the PPP Arbiter'.

What the PPP Arbiter spends and how he spends it

2.4 This class comprises information such as:

- annual reports and accounts, including remuneration reports and audit statements;
- the Financial Framework agreed between the Arbiter and the Secretary of State for Transport; and
- procurement, framework contract award notices and their value.

2.5 Financial information can be found on the Arbiter's website, predominantly in the section entitled 'Annual Report and Accounts'.

2.6 Procurement award notices can be found on the 'Notices' section of our website.

What the PPP Arbiter's priorities are and how is he doing

2.7 This class comprises information such as the Arbiter's business plans. Current and historic business plans can be found in the 'Annual Reports and Accounts' section of the Arbiter website.

How the PPP Arbiter makes decisions

2.8 The Arbiter is a corporation sole. As such, decisions are made in the name of the Arbiter but he is advised by an Advisory Board, with whom he has regular meetings, and by the staff in his Office.

2.9 In exercising his statutory functions under the GLA Act, the Arbiter is committed to transparency, and routinely publishes all of the following on his website:

- policy statements and consultation documents;
- all non-confidential responses to consultation documents;

⁵ See section 3 below for further details.

- his Procedural Framework for handling references for directions or guidance; and
- guidance and directions given by him.

Policies and procedures

- 2.10 In addition to the procedural frameworks covered by the previous class of information, the Arbiter has also published, after consultation, a policy statement on his role, approach and procedures. This is published on the Arbiter's website in the 'Policy statements' section.
- 2.11 Current employment opportunities are published in the 'employment opportunities' section of the website. The Arbiter does not publish his staff employment policies, but these can be made available on request.
- 2.12 Details of the charging regime applied by the Arbiter for information are set out in section 3 below.

Lists and registers

- 2.13 The Arbiter keeps a register of interests which covers himself, the non-executive members of his Advisory Board and senior staff. The register is published on the Arbiter's website in the section 'About the PPP Arbiter'.

The services we offer

- 2.14 This class of information is an extension of the first class of information. In the case of the Arbiter, it includes press notices and other announcements which are published in the 'Notices' section of the website.

3 Procedures for requesting information

Method of access

- 3.1 As indicated above, the Arbiter's website provides the best source of published information. Should you be unable to access the website for any reason, you may request information in the following ways.
- 3.2 The Arbiter's publication scheme is printed in large print for people with visual impairments. The Office will also seek to respond positively to any request to provide the publication scheme on audiotape and in other languages for a charge.
- 3.3 Public enquiries by telephone are handled every working day between 10 am and 12 noon and 2 pm and 4 pm - Monday to Friday. The Office staff will also help you with telephone, written and email enquiries.
- 3.4 Written enquires may be made to:

Freedom of Information Act Enquiries
The PPP Arbiter
One Kemble Street
London WC2B 4AN
Telephone: 020 7282 2170
Fax: 020 7282 2180
Email: enquiries@ppparbiter.org.uk

- 3.5 Finally, the Arbiter's reference library is open every working day from 10 am to 12 noon and 2 pm to 4 pm Monday to Friday. Our library is small so you should make an appointment if you wish to visit.

Costs

- 3.6 All the information that the Arbiter publishes can also be viewed in the Arbiter's reference library at no cost.
- 3.7 A single hard copy of information will be provided free of charge but multiple copies will incur a charge. A reasonable fee will be charged for the supply of a copy or extract from any part of a publication for which the fee will be based on the actual price of the photocopying and handling involved. An estimate of charges will be given and payment will be expected prior to any copying being undertaken. Please note that photocopying will be handled commercially by outside printers in the case of large scale printing and a minimum handling charge of £10 made.
- 3.8 All Arbiter copyrights are reserved but material appropriately attributed may be reproduced for the purposes of private study or research without permission.

Responses to requests for information

- 3.9 The Arbiter's Office is small and has limited resources. However, requests for information will be replied to as promptly and as fully as possible or where necessary referred to the appropriate party or organisation. Responses will be provided to within a period of twenty working days.
- 3.10 Freedom of Information requests that are received which have a wider public interest will be published on the website.

Complaints under the Freedom of Information Act 2000

- 3.11 You should complain to the Arbiter first if you think that your request has not been answered properly or that a response has taken too long or that you have been charged too much.
- 3.12 Should you remain dissatisfied, you have a right to complain to the Information Commissioner.



Model Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of Information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The Services we Offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.