



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

www.gov.uk/dhsc

Mr Ian Smith
request-699235-c9d70d6e@whatdotheyknow.com

16 August 2021

Dear Mr Smith,

Freedom of Information Request Reference FOI-1263731

Thank you for your request dated 15 October 2020 in which you asked the Department of Health and Social Care (DHSC):

"I am writing to ask that you publish or make available publicly the evidence and details that led to the decision of Essex moving into the higher tier of the Covid measures.

I understand that the local authority Essex county Council requested this tier rating and put the case to you and it would be helpful to have sight of this information also to ensure transparency and accuracy in understanding of the application of this model.

If you also have an equality analysis in relation to the three tier model and it's application to ensure that the steps and considerations taken prior to moving a certain area into a higher or lower tier providing a fair and transparent application across society."

Your request has been handled under the Freedom of Information Act (FOIA).

For ease of reference, I have separated and numbered the individual elements of your request.

1. I am writing to ask that you publish or make available publicly the evidence and details that led to the decision of Essex moving into the higher tier of the Covid measures.

DHSC holds information relevant to your request.

The Contain framework sets out how NHS Test and Trace works with local authorities, Public Health England (PHE) and the public to contain and manage local COVID-19 outbreaks. The framework can be found here:

<https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers>.

The Government is committed to ensuring the right levels of intervention in the right places to manage outbreaks. Decisions about which local areas will be in which Local COVID Alert Levels are made through the Government's Local Action Committee command structure and the COVID Operations Committee.

Public Health England (PHE), the Joint Biosecurity Centre (JBC) and NHS Test and Trace constantly monitor the levels of infection and other data on prevalence of the virus across the country to inform the Local Action Committee decision-making process. A wide range of indicators are monitored to ensure constant situational awareness across England. Data on local virus prevalence is published with detailed information provided to local systems, providing an early-warning system to enable early, preventative action. Indicators fall into the following groups:

- PHE and NHS Test and Trace data – for example, the number and rate of increase of positive cases and the number of outbreaks in an area
- NHS activity – for example, hospital admissions for COVID-19
- Other indicators – for example, care home data

Epidemiological data for Local Authorities, including Essex, is published here:
<https://www.gov.uk/government/collections/coronavirus-cases-by-local-authority-epidemiological-data>

Please also see the UK Coronavirus Dashboard here:
<https://coronavirus.data.gov.uk/>

2. I understand that the local authority Essex county Council requested this tier rating and put the case to you and it would be helpful to have sight of this information also to ensure transparency and accuracy in understanding of the application of this model.

DHSC does not hold the information you requested.

3. If you also have an equality analysis in relation to the three tier model and it's application to ensure that the steps and considerations taken prior to moving a certain area into a higher or lower tier providing a fair and transparent application across society."

DHSC holds the information you requested. However, we are withholding this information under section 35(1)(a) of the FOIA.

Section 35(1)(a) provides protection for information that relates to the formulation or development of Government policy. Section 35 is a qualified exemption and requires consideration of the public interest test. The Department recognises a general public interest in promoting openness in the way in which public authorities make decisions on policies. However, the purpose of the exemption at section 35 is to protect the internal deliberative process as it relates to policy making. In other words, the exemption is

intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options, the keeping of detailed records and the taking of difficult decisions. Premature disclosure of information protected under section 35 could prejudice good working relationships, the perception of civil servants' neutrality and, ultimately, the quality of Government.

Other information about these decisions was published at the time, for example, The Explanatory Memorandum. It can be found here:

https://www.legislation.gov.uk/uksi/2020/1533/pdfs/uksiem_20201533_en.pdf

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

Hazel Percy

Freedom of Information Officer
E: freedomofinformation@dhsc.gov.uk