



Ms Joy Warren

By email to: [request-1141097-5c86995c@whatdotheyknow.com](mailto:request-1141097-5c86995c@whatdotheyknow.com)

5 August 2024

Annex A: DHSC response to initial request

Annex B: Request for internal review

Dear Ms Warren,

## **FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW**

### **CASE REFERENCE: IR-1517265 (FOI-1515955)**

You wrote to the Department of Health and Social Care (DHSC) on 20 June requesting information relating to the marking scheme/evaluation process re: Evaluation of the Public Consultation on Water Fluoridation for the North-East of England (this was further to the FOI request DHSC answered under FOI-1514956, which is attached as a separate document). We responded to you on 27 June and a copy of our response, including the full text of your request, can be found in Annex A.

You subsequently emailed DHSC on 10 July requesting an internal review into the handling of your original request. A copy of your email can be found in Annex B.

The purpose of an internal review is to assess how your Freedom of Information (FOI) request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review as I was not involved in the original decision.

I note your request was handled under FOIA. However, I assess that it should have been handled under the Environmental Information Regulations 2004 (EIR).

DHSC has reviewed your request and I can confirm, under Regulation 12(4)(a) of the EIR, that the requested information is not held, and your request has consequently been refused.

### **Conclusion**

After careful consideration, I have concluded that the response you received to your FOI request was partially compliant with the requirements of the FOIA. This is because DHSC should have responded under the EIR regime, rather than FOIA.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by DHSC.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Mr D Stanton  
FOI Internal Reviews  
[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)

## Annex A: DHSC response to initial request

Ms Joy Warren

By email to: [request-1141097-5c86995c@whatdotheyknow.com](mailto:request-1141097-5c86995c@whatdotheyknow.com)

27 June 2024

Dear Ms Warren,

### **Freedom of Information Request Reference FOI-1515955**

Thank you for your request dated 20 June to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC does not hold the information you have requested.

The question raised in this request was answered in our reply to your previous request, our ref: FOI-1514956, which is attached.

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

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team  
[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)

Annex

-----Original Message-----

From: Joy Warren request-1141097-5c86995c@whatdotheyknow.com

Sent: Thursday, June 20, 2024 5:06 PM

To: FreedomofInformation freedomofinformation@dhsc.gov.uk

Subject: Freedom of Information request - Evaluation of the Public Consultation on Water Fluoridation for the North-East of England

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Dear Department of Health and Social Care,

I refer to your reply to FoI 1515519 in which you have stated that the DHSC will be responsible for evaluating the above PC.

Please provide me with a copy of the marking scheme/evaluation process which will be used to assess the quality of responses.

Yours faithfully,

Joy Warren

## **Annex B: Request for internal review**

From: Joy Warren <[request-1141097-5c86995c@whatdotheyknow.com](mailto:request-1141097-5c86995c@whatdotheyknow.com)>

Sent: Wednesday, July 10, 2024 3:36 PM

To: FreedomofInformation <[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)>

Subject: Internal review of Freedom of Information request - Evaluation of the Public Consultation on Water Fluoridation for the North-East of England

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Dear Department of Health and Social Care,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'Evaluation of the Public Consultation on Water Fluoridation for the North-East of England'.

I requested a copy of the marking scheme/evaluation process which will be used to assess the quality of responses having established from an earlier FOI request that the DHSC would be evaluating the responses.

The earlier FOI request also established that the DHSC did not have a marking scheme. However, having established that the DHSC and no other department would be evaluating the responses, it seemed logical that the DHSC and no other department would have a marking scheme and that is why I made a fresh request.

I object to being given the same reply when it is patently obvious that the DHSC/OHID have a marking scheme if the Department is to evaluate responses.

In order to evaluate responses to the above Public Consultation, they need to be examined by bench-marking them against certain criteria. Without a marking scheme, this would be impossible. The Public Consultation was due to have been concluded on 17th June and a marking scheme should have been finalised by then.

It's unbelievable that a marking scheme does not exist. This implies that there would not be any examination of responses, no evaluation and no lessons learned by OHID. In other words, the result of the Public Consultation appears to be a foregone conclusion and no matter what anyone says in their responses, the decision will be to forge ahead with the proposal.

I really do hope that the DHSC is not going to be so dishonest. Public Consultations are an opportunity for policy to be challenged and amended or to be thoroughly overhauled.

It is impossible to evaluate responses without a marking scheme. So, where is it?

A full history of my FOI request and all correspondence is available on the Internet at this address:

[https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fevaluation\\_of\\_the\\_public\\_consult&data=05%7C02%7Cdhmail%40dhsc.gov.uk%7C93888cf6b52b4e17192808dca1988f42%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C638562923815717169%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=gR3onowi5fWVX02%2BxF%2BjPWKmKfOkEkz4Mfsmbbw48do%3D&reserved=0](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fevaluation_of_the_public_consult&data=05%7C02%7Cdhmail%40dhsc.gov.uk%7C93888cf6b52b4e17192808dca1988f42%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C638562923815717169%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=gR3onowi5fWVX02%2BxF%2BjPWKmKfOkEkz4Mfsmbbw48do%3D&reserved=0)

Yours faithfully,

Joy Warren