



HM Treasury

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Dear Ms McGregor

Ref: FOI2019/00343

Freedom of Information Act 2000: The Bank Referral Scheme

Thank you for your enquiry of 9 January 2019, which we have considered under the terms of the Freedom of Information Act 2000 (the FOI Act).

You asked for the following information:

"Please can you provide me with some further data relating to the success of the policy to introduce the Government Referral Scheme in addition to the statistics on this page <https://www.gov.uk/government/collections/bank-referral-scheme-official-statistics>

1. Specifically I would like to know how much it has cost British Business Bank and HM Treasury to implement this policy. British Business Bank have told me they have no cost as all is reclaimed by them and paid by HMT.

2. I would also like a link to the findings following the review of these scheme conducted by Prof Russel Griggs."

Following a search of our records, I can confirm that HM Treasury does hold information within the scope of your request.

Your request for further data in relation to the success of the Bank Referral Scheme engages the exemption at section 22(1) of the FOI Act. Section 22(1) protects information intended for future publication. Section 22 is a qualified exemption, requiring us to consider the public interest balance in disclosure.

The Treasury recognises there is public interest in disclosure as it may increase public trust in the government and increase transparency in connection with the Bank Referral Scheme. However, public authorities must, within reason, have space to be able to determine their own publication timetables and deal with the necessary preparation, administration and context of publication.

The FOI Act recognises that the coincidence of individual requests for information should not determine the publication timetables of public authorities, for example by forcing them into an early release. Releasing this information to you now would interfere with this process. There is also a strong public interest in the information which is published being available to everyone who has an interest at the same time, thereby ensuring that there is a level playing field.

In light of these considerations, it has been concluded that this information should not be disclosed at this time. The Treasury will continue to publish data on the Bank Referral Scheme as it did in August 2018 at the link you provided.

Furthermore, information within scope of your request on the cost of implementation of the scheme by the British Business Bank (BBB) and HM Treasury falls under the exemption in section 43(2) (prejudice to commercial interest). This is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure.

We recognise that there is a public interest in knowing that government is achieving value for money and that commercial activities are conducted in an open and honest way. However, there is a strong public interest in the government not undermining the commercial position of private companies by releasing commercial information which would normally remain confidential.

The BBB administer the scheme on behalf of HM Treasury. The budget allocated to the BBB is subject to a commercial agreement signed by HM Treasury, The Department for Business, Energy and Industrial Strategy (BEIS) and the BBB. The contents of this agreement are considered confidential information, and the release of such information would be detrimental to future discussions on costing and liabilities.

We therefore consider that the public interest lies in favour of withholding this information.

In relation to your request for access to the findings of Professor Russel Grigg's review of the Bank Referral Scheme, we consider that information we have identified engages the exemption at section 35(1)(a) (development of government policy) under the FOI Act. This is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure.

We recognise that there is an inherent public interest in transparency and accountability of public authorities in relation to the release of this information. We also recognise the broad public interest in furthering the public understanding of the issues which public authorities deal with. There is a clear public interest in the work of government departments being transparent and open to scrutiny to increase diligence.

Balanced against this is the public interest in protecting the Government ability to discuss and develop policies to reach well-informed conclusions. The Information Commissioner has recognised that policy development needs a degree of freedom to enable to process to work effectively and we consider that there is a strong public interest in protecting information where release would be likely to have a detrimental impact on the ongoing formulation of policy.

There is a strong public interest in protecting against encroachment on the ability of Ministers and officials to discuss and exchange views with administrations within the United Kingdom in order to formulate and develop policy options freely and frankly. This includes the review undertaken by Professor Russel Griggs regarding the Bank Referral Scheme, because the Treasury is currently undertaking a review of the policy, in line with the Competition and Markets Authority's response to their Retail Banking Market Investigation.

In this case, we consider that disclosing the information held, would or would be likely to prevent official conducting rigorous and candid assessments of the options available to them in the course of the statutory review, and that disclosure might close off discussions and the development of better option in the future. Disclosure of information relating to policy formulation could also corrode the relationship between Ministers and civil servants.

If you have any queries about this letter, please contact us. Please quote the reference number above in any future communications.

Yours sincerely

IRU

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Email: foirequests@hmtreasury.gov.uk

It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

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The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (or via their website at: <https://ico.org.uk>).