

Dear J Cassidy

RE- FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

I acknowledge your four requests for information received on 29 May 2009 and respond as follows.

(1) Can you please email me an electronic copy, including attachments, of all the email correspondence received and sent by Helen Johnston helen.johnston@londoncouncils.gov.uk, including carbon copy CC and blind carbon copy BCC functions - not just To and From, with regards the following email addresses/individuals, over the last 12 months.

Jerry.Harland2@ homeoffice.gsi.gov.uk

Simon.Bentley3@ homeoffice.gsi.gov.uk

Keith.Lambert@ homeoffice.gsi.gov.uk

brian.kinney3@ homeoffice.gsi.gov.uk

(2) Can you please email me an electronic copy, including attachments, of all the email correspondence received and sent by Helen Johnston helen.johnston@londoncouncils.gov.uk, including carbon copy CC and blind carbon copy BCC functions - not just To and From, with regards the following email addresses/individuals, over the last 12 months.

John.Donaldson@ glasgow.gov.uk

Zena.cooke@ islington.gov.uk

cspencer@ hillingdon.gov.uk

Steve.Liddicott@ croydon.gov.uk

Olvia.fellas@ islington.gov.uk

nicola.rea@ manchester.gov.uk

NStock@ northamptonshire.gov.uk

Judith.Dennis@ RefugeeCouncil.org.uk

Karen.goodman@ kent.gov.uk

mrogers@ solihull.gov.uk

rross@ solihull.gov.uk

(3) Can you please email me an electronic copy, including attachments, of all the email correspondence received and sent by Helen Johnston helen.johnston@londoncouncils.gov.uk, including carbon copy CC and blind carbon copy BCC functions - not just To and From, with regards the following email addresses/individuals, over the last 12 months, concerning the subject of asylum and unaccompanied asylum seeking children.

d.barnes@ wmlga.gov.uk

naomi.alleyne@ wlga.gov.uk

Ian.Beattie@ eera.gov.uk

lucy.ellender@ lga.gov.uk

Emma.Jenkins@ lga.gov.uk

d.newall@ wmlga.gov.uk

emily.warren@ wlga.gov.uk

Helen.Murray@ lga.gov.uk

In relation to your three requests above, I enclose copies of the requested e-mails with some sections redacted as they are exempt from disclosure under Section 40 (2) (third party personal information) and Section 41 (breach of confidence). I note that these emails are indexed in the attached Appendix A which was prepared in response to the third part of your fourth request (noted below).

Section 40 (2) (third party personal information) has been applied as disclosure of personal data would breach the First Data Protection Principle (fair and lawful processing) as there is no expectation by the individual concerned that this personal data, including names and work contact details, would be disclosed in response to a FOIA request, which requests we have to treat as being in effect a disclosure to everyone and anyone ie. it becomes fully public information: and further it is not possible to meet a Schedule 2 condition for processing the personal data. This is an absolute exemption and is not subject to a public interest test. Therefore information detailing those people below the level of Director whose names are not in the public domain, have been removed from the attached e-mails. The e-mail addresses, phone numbers, fax numbers and further details of individual's names within the e-mails, have also been removed.

Section 41 (confidential information) has also been applied. This exemption is being relied upon as certain information was provided to London Councils in confidence, it continues to have the necessary quality of confidence in that it is not otherwise accessible and is more than trivial in nature; it was imparted to London Councils in circumstances importing an obligation of confidence; and it is considered that disclosure of the information would give rise to an actionable breach of confidence. Therefore the last two lines of the e-mail dated 14 April 2009 at 13:14 from David Barnes to Ian Beattie; Helen Johnston, Subject: RE: UASC Reform - Next Steps have been deleted in light of the fact that it is information provided to London Councils in confidence.

(4) With regards the UKBA UASC reform programme [1] Can you please email me an electronic copy of the following:

1) Copies of any notes, minutes of any meetings you hold in connection with Unaccompanied Asylum Seeking Children and the UASC reform programme and the work of any UASC Reform Steering Group and sub-groups (post-18 & 'front end' issues)

2) A copy of any reports, briefings, memos you hold in connection with Unaccompanied Asylum Seeking Children and the UASC reform programme and the work of any UASC Reform Steering Group and sub-groups (post-18 & 'front end' issues)

3) A summary of all the information you hold on the UASC reform Programme

In relation to the third part of your fourth request, a summary of all the information held on the UASC reform Programme is attached within 'Appendix A'. For ease of reference in responding to the first and second parts of your fourth request we have made reference to the Appendix.

With reference to the first part of your fourth request, certain documents are disclosed in full as noted in the attached Appendix A and are numbered 1-5. We confirm that London Councils does hold further documents that fall within your request (these documents are numbered 6-7) but these have not been disclosed relying upon section 36 (prejudice to effective conduct of public affairs) and section 41 (confidential information). The arguments for these exemptions are set out below.

With reference to the second part of your fourth request, certain documents are disclosed in full as noted in the attached Appendix A, and are numbered 8-12. Again we confirm that London Councils does hold further documents that fall within your request (these documents are numbered 13-26) but have not been disclosed relying upon section 36 (prejudice to effective conduct of public affairs) and section 41 (confidential information).

Section 36 (prejudice to effective conduct of public affairs) has been applied to certain documents as they reflect ongoing policy development and discussion on lobbying the Home Office for local authority funding for unaccompanied asylum seeking children. If released, this information would prejudice the free and frank provision of advice and exchange of views within the context public policy development on sensitive issues, which policy remains unresolved. Negotiations with the Home Office have been reopened recently and London Councils has contributed to ensure London's case has been considered.

In developing policy Government will engage with interested parties on such matters, including London Councils, which represents the interests of London local authorities, other local authorities and representative bodies. Dialogue between the parties is encouraged and is predicated on the basis that there is a need for private space between the Government and important influencing groups, such as the affected local authorities, to consider and develop policy options. Views are exchanged on the basis

of a relationship of trust and disclosure of these documents would also give rise to a loss of trust between London Councils, the Home Office and other bodies which have engaged in this process.

In addition, in this particular instance, government officials need to be able to think through all the implications of particular options, and in particular they need to be able to undertake rigorous and candid assessments of the risks to particular programmes and projects confidentially. Furthermore, as this issue is still under consideration, it is particularly important that the information is not disclosed to the public at this point in time as premature disclosure of preliminary thinking may, for example, end up closing off better options of policy development because of adverse public reaction or have adverse financial implications for the bodies involved leading to a disproportionate impact upon local taxpayers.

Whilst there is a public interest argument for the documents to be disclosed in light of 'open policy making' and increasing transparency in the way in which public money is spent; that may lead to increased trust and engagement between citizens and local government; it is our view that the public interest test does not outweigh the arguments against disclosure of the documents in this case.

The public interest does not weigh in favour of disclosure as there is ongoing policy formulation, there is a strong public interest in the value of government being able to test ideas with informed third parties out of the public eye and in knowing what the reaction of particular groups of stakeholders might be if particular policy lines/negotiating positions were to be taken. Further, there is a strong public interest in the ongoing engagement between all parties and the communications, including confidential negotiating positions of the parties, remaining closed. If the documents are released, disclosure would discourage government officials from providing frank advice and opinions and Ministers will be less likely to work with London Councils collaboratively whilst a long term funding solution for unaccompanied asylum seeking children is sought. This is not in the public interest. (Refer: EA/2007/0072).

Section 41 (confidential information) has also been applied with regard to certain information provided in confidence. This exemption is being relied upon as certain information was provided to London Councils in confidence, it continues to have the necessary quality of confidence in that it is not otherwise accessible and is more than trivial in nature; it was imparted to London Councils in circumstances importing an obligation of confidence; and it is considered that disclosure of the information would give rise to an actionable breach of confidence.

If you have any queries or concerns, please contact me.

Please note that London Councils holds the copyright in some of the documents containing this information. The supply of these documents under the Freedom of Information Act does not give you a right to re-use the documents in a way that would infringe that copyright, for example, by making copies, publishing and issuing copies to the public or to any other person. Brief extracts of any of the material may be reproduced under the fair dealing provisions of the Copyright Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting, subject to an acknowledgement of the copyright owner.

If you wish to make a complaint about the way we have handled your enquiry under the Freedom of Information Act, please make your complaint in writing to John O'Brien, Chief Executive, London Councils, 59 ½ Southwark Street, London SE1 OAL, telephone 020 7934 9575, or email john.o'brien@londoncouncils.gov.uk.

Alternatively please telephone if you need assistance in making a written complaint.

If, having used the London Councils complaints procedure, you are still dissatisfied; you may request the Information Commissioner to investigate. The Information Commissioner is a Crown appointment, responsible for monitoring compliance with the Freedom of Information Act. Please contact: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: (01625) 545700. You may also like to visit the website of his Office at: www.informationcommissioner.gov.uk.

Yours sincerely

FOI, Complaints Business Planning and Performance Officer