



Cabinet Office

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Laura Blake

By email: request-934000-3c6f4f75@whatdotheyknow.com

FOI Reference: FOI2023/00150

3 February 2023

Dear Laura Blake

We refer to your request where you asked:

“Please can you kindly provide copies of the IPA stage gate assessment review in November 2021 and also the follow-up IPA independent peer review in June 2022 as detailed in the Lower Thames Crossing Accounting Officer Assessment -

<https://www.gov.uk/government/publications/government-major-projects-portfolio-accounting-officer-assessments/lower-thames-crossing-accounting-officer-assessment-december-2022#feasibility>

Please could you also provide clarity of whether the follow-up IPA independent peer review in June 2022 was a review based on new info of that time, or if it was a review of the Nov 2021 review?”

We are writing to advise you that following a search of our paper and electronic records, we have established that the information you have requested is held by the Cabinet Office.

I can confirm that the Infrastructure and Projects Authority (IPA) independent peer review in June 2022 looked at the progress on recommendations of the assurance review held in November 2021

IPA Reviews do not offer external commentary on progress of programmes or projects for publication. They are conducted by independent, qualified and accredited

reviewers. The reports are confidential and are exempt from publication under sections 33, 41 and 43 of the FOI Act. Transparent information about the delivery of Government's major projects can be accessed through the IPA's Annual Report.

Section 33(1)(b) and (2) of the Act applies because the IPA Review Reports requested relate to the IPA carrying out its audit function by examining the effectiveness of project delivery arrangements of Government major projects and its release may prejudice that function.

The exemption at section 33 is a qualified exemption and we have considered whether the balance of the public interest favours our disclosure of the requested information. There is a considerable public interest in both understanding government projects and programmes, and also in ensuring their success. There is a general public interest in transparency and accountability so there can be public scrutiny of whether the assurance process is effective. We have weighed these public interests against a stronger public interest in maintaining the integrity of the assurance process as an effective and prompt peer review process that produces reports based on candid interviews for the benefit of programme Senior Responsible Owners and Accounting Officers.

Effective reviews have a demonstrable value for money to the taxpayer and support the successful delivery of project outcomes. Reports must be prompt and based on candid interviews and full and frank disclosure from project teams. Fear of immediate publication could hamper this disclosure and have a negative impact on the effectiveness of future IPA reviews, weakening the peer review process, which would not be in the public interest.

Taking into account all the circumstances of the case, we have determined that the balance of the public interest favours withholding this information.

The information you have requested is being withheld because it is exempt under section 41(1) of the Freedom of Information Act. Section 41(1) exempts information, where disclosure would constitute an actionable breach of confidence.

IPA Assurance Review Reports are conducted solely on the basis that the information reviewed and received via interview with various programme and project stakeholders, is given under the explicit undertaking that the views expressed by the interviewees are confidential. To release the report would breach that confidentiality.

Section 41(1) is an absolute exemption for the purposes of the Freedom of Information Act but, in reaching our decision to withhold this information, the Cabinet Office has

taken into account that there is a public interest defence to an action for breach of confidence. We are satisfied that disclosure of the information requested would constitute an actionable breach of confidence and that the Cabinet Office could not rely on the defence that an overriding public interest justified breaching its duty of confidence. The general public interest in having information made available, together with other factors in favour of disclosure, is not a compelling public interest capable of overriding the very strong public interest in maintaining the confidentiality of this information.

The information you have requested is being withheld because it is exempt under section 43(2) of the Freedom of Information Act. Section 43(2) protects information which would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it.

The IPA Assurance Review reports requested contain commercially sensitive information, which could harm some of the project or programme's commercial negotiations.

Section 43 is a qualified exemption and we have considered whether the balance of the public interest favours our release of this material. Although there is a public interest in the efficient use of public resources, disclosure of commercial sensitive information relating to the projects and programmes would likely have an adverse effect on those companies involved.

Taking into account all the circumstances of the case, we have determined that the balance of the public interest favours withholding this information.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Head of Freedom of Information
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the Cabinet Office. The Information Commissioner can be contacted at:

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B. K.', written in a cursive style.

FOI Team
Cabinet Office