

DWP Central Freedom of Information Team

e-mail: [xx@xxx.xxx.xx](mailto:xx@xxx.xxx.xx)

Our Ref: VTR1533

14 July 2011

Dear Mr Sandeman,

Thank you for your Freedom of Information request dated 3 June 2011. You asked:-

*Please send to me the unredacted and complete results of your recent review into the removal of High Rate DLA Mobility Allowance for those claimants in Care Homes.*

I am writing to advise you that the Department has decided not to disclose the information you requested.

The information you requested is being withheld as it falls under the exemption in section 35(1)(a) of the Freedom of Information Act. This exemption covers internal Departmental policy development and debate. In applying this exemption the department has balanced the public interest in withholding the information against the public interest in disclosing the information.

Factors in favour of a decision to disclose are that greater transparency makes government more accountable to the electorate and increases trust. As knowledge of the way government works increases, the public contribution to the policy making process could become more effective and broadly-based.

Factors in favour of withholding this information include the need for good government which depends on good decision making based on the best advice available and a full consideration of all the options without fear of premature disclosure. Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed

The impartiality of the civil service might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision-making. Ministers and officials also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options.

Finally, it is important to protect the provision of free and frank advice for the purpose of deliberation. If the correspondence in question was released prematurely, it is very recent and a final outcome is not yet settled, there is a risk that the provision of candid views would be

compromised in future. This is not in the public interest particularly where relevant negotiations are still live.

On balance I am satisfied that in this instance the public interest in maintaining the exemption at section 35(1)(a) outweighs the public interest in disclosing the correspondence in question.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

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#### **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central Fol Team, 5<sup>th</sup> Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk)