



Cabinet Office

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70 Whitehall
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www.cabinetoffice.gov.uk

Kieren Williams

By email: request-708515-390603bd@whatdotheyknow.com

FOI Reference: FOI2020/20364

22 January 2021

Dear Kieren Williams

We refer to your request where you asked:

"I am requesting the the specific and complete terms of reference for Priti Patel's bullying enquiry."

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

The Cabinet Office has published the Prime Minister's decision and Sir Alex Allan's findings on GOV.UK. These are available here: <https://www.gov.uk/government/news/ministerial-code-investigation>

At the start of Sir Alex's findings, it says: "Sir Alex Allan was asked by the Prime Minister to provide advice about whether the facts established by the Cabinet Office in relation to the conduct of the Home Secretary showed adherence to the Ministerial Code."

With regard to your request, information held and relating to the investigation is exempt under Section 31(1)(g) of the Freedom of Information Act. Section 31(1)(g) exempts information where disclosure would, or would be likely, to prejudice the exercise of the Cabinet Office's functions for any of the purposes specified in section 31(2) of the Act. The purpose in question at section 31(2)(b) of the Act is that of ascertaining whether any person is responsible for any conduct which is improper. This includes ascertaining

whether or not conduct falls below standards of proper conduct set for public office holders, MPs, ministers or civil servants as set out by the ministerial, special adviser and civil service codes.

The effectiveness of the investigation process is maintained by the understanding among those who undertake it and otherwise participate in it that any information which they provide relating to the conduct under investigation is kept in confidence. Disclosure of information in scope of the request would be likely to prejudice the exercise of the Cabinet Office's function of conducting effective investigations.

It is vital that those undertaking the investigation are able to consider issues relating to the investigation remit openly and in an environment where they can trust that their information will not be disclosed. To be fully effective, such investigations and decisions taken in relation to them require the relevant public authority to be able to conduct the investigation in a manner it deems most appropriate without having to consider how its methods might be perceived if released out of context, particularly in a high profile matter such as this one. In addition, the release of information into the public domain relating to the investigation would have a serious impact on all future investigations across Government as individuals would also be less inclined to participate and contribute important information to the investigation, or worse still come forward in the first place, if they thought that information would be placed into the public domain. This would operate as a deterrent factor.

This exemption is a qualified exemption and I must therefore determine whether the balance of the public interest favours releasing or withholding this information. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the Government. I also take into account that the investigation regarding the Home Secretary received significant media coverage means that there is a public interest in this matter. However, we recognise that just because the investigation has received significant media coverage it does not automatically mean that there is a public interest in disclosing the requested information.

However, the Cabinet Office also takes into account the strong public interest in assuring the public that effective arrangements are in place for the prevention and detection of any conduct that is improper and in particular, for the investigation of ministerial conduct. We consider that the strong public interest in this regard is met through the publication of the findings of the Independent Adviser. Further, if investigations into ministerial conduct were undermined and their effectiveness compromised as a consequence, it could result in conduct not being appropriately addressed, which would not be in the public interest. The provision of such information would, as I have set out above, prejudice the investigation process and the Cabinet Office's ability to investigate whether any person may be

responsible for improper conduct. There is a clear public interest in there being confidence in these investigative processes. Taking into account all the circumstances of this case, I have concluded 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:

Rachel Anderson
Head of Freedom of Information and Clearing House
Cabinet Office
70 Whitehall
London
SW1A 2AS

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. A. Smith', is written on a light blue grid background.

FOI Team
Cabinet Office