

DWP Central Freedom of Information Team

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Our Ref: VTR IR 330

Date: 10 August 2012

John Slater [request-113496-52bxxxxx@xxxxxxxxxxxxxxxxxxx]

Dear Mr Slater,

Thank you for your request of 15 May 2012 in which you asked for a review of an earlier Freedom of Information decision. I apologise that the review has taken so long to undertake. You originally asked for copies of:

- The Universal Credit Risk Register/Risk Management Plan
- The Universal Credit Issue Register/Issue Management Plan
- The Universal Credit High Level Management Schedule

On 15 May you were informed that this information is exempt from disclosure under section 36(2)(b) and (c) of the Freedom of Information Act. You have asked for a review of that decision.

A senior official not involved in the handling of your initial request has undertaken a review and considered your request afresh. After reviewing the evidence and arguments I can confirm that the exemption under Section 36(2)(b) and (c) of the Freedom of Information Act stands.

In making this decision the acknowledged public interest in the disclosure of information relating to the delivery of Universal Credit, which will impact upon the lives of millions of people, was weighed against the public interest in officials and Ministers relentlessly focussing on the efficient and secure delivery of Universal Credit unconstrained by the prospect of the premature release of this information..

On balance the public interest in maintaining the exemption outweighs the public interest in disclosing the information you seek.

In your review request you raise a number of points about the scope of the section 36 exemption which I address below.

I agree that the "qualified person" for DWP Freedom of Information purposes is a Minister as specified at section 36(5)(a) of the Act.

Section 36 (2) (b) and (c) of the Act protects information whose disclosure:

(b) would, or would be likely to, inhibit –

i. the free and frank provision of advice, or

ii. the free and frank exchange of views for the purposes of deliberation

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

This exemption is not limited to particular types of information but works by reference to the effects of disclosure rather than to content.

You asked for “the documentation from the relevant Minister that explains why they believe the exemption applies”.

The Freedom of Information regime provides a right of access to recorded information not documents. The submission to the Minister contained arguments in favour of the disclosure of the information you sought. The arguments for withholding the information that were put before the Minister included the following:

Risk registers are negative by nature in their outlook, in that they do not contain any opportunities or positive reasons for undertaking these initiatives, Officials consider that disclosure of the sensitive parts of the Department’s current risk registers for the Universal Credit Programme would be likely to inhibit the provision of candid advice from key staff, which would damage the Department’s ability effectively to identify, assess and manage its key risks to delivery. The willingness of senior managers to fully engage in a timely manner and support the process of risk management and assurance in an unrestrained, frank and candid way is vital to the effectiveness of the process. In addition disclosure would give the general public an unbalanced understanding of the Programme and potentially undermine policy outcomes, cause inappropriate concern and damage progress to the detriment of the UK economy.

In the case of the risk and issues registers release of the information could subject the Programme to the risk of failure, due to spending time and resources on the debate around just the risks rather than delivering the Programme by undertaking a proper, balanced consideration of the opportunities, issues and efforts to manage the project to success.

Moreover the risk and issues registers are updated at least fortnightly. Making public these registers would not only mean that further considerable effort would be needed to refer debate back to the latest version of the registers, but it could create an erroneous public perception that we had issued inaccurate information. Disclosure would, in effect, increase the review boards for these registers to several million people while removing version control.

For the High Level Management Schedule the information is not, as for the risk and issues logs, necessarily negative by nature. However, the milestones (as with risk and issues) are updated on a monthly basis and are rated as to the risk to achievement. The monthly update means that once made public debate might be expected on any of the numerous milestones and on any published version. The risk assessment of the milestones also means that the risk to delivery would be made public. While this might be of interest to the public, the counterpoint is that knowing the assessment might be made public could constrain the frankness and candour of the process, which in turn might impact on the clarity of the information received by Ministers and senior officers. This would hardly be in the public interest.

Finally, your request for a review also included a new request for information. This has been dealt with separately and you received a response covering this aspect on 20 June.

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

Yours sincerely

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

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. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk