

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: Fol 1618

DATE: 9 November 2016

Dear Mr Slater,

Thank you for your Freedom of Information request of 24 April 2016. I apologise for the long delay. I also apologise for treating your subsequent clarification of 31 August 2016 as a repeat request.

You asked the department to:

*“disclose the project assessment review reports (“PARR”) produced in respect of the Universal Credit Programme (“UCP”) following reviews completed in:*

- *May 2012*
- *February 2013*
- *June 2013*
- *March 2014*

*If a project assessment review was carried on the UCP in 2015 please disclose the PARR produced following that review.*

*If the Department is prepared to disclose some of the information it should do so whilst citing the statutory exemption it is engaging for the remaining information.*

*Whilst First-Tier Tribunal decisions are not binding the Upper Tribunal has held that they should be considered persuasive. Therefore, the Department should consider the Tribunal’s decision in EA/2013/0149 (promulgated 14 March 2016) prior to making a decision on whether to disclosure or not.*

*If the Department claims s.36 FOIA in respect of this information it must:*

- *Obtain and document the opinion of a qualified person before claiming that s.36 is engaged.*
- *Carry out a contents based review (Upper Tribunal precedent requires this) for the requested information and explain why the specific information should be withheld. This means that the Department can’t rely on a “boilerplate” response covering the alleged harm that would or would be likely to follow disclosure and its consideration of the public interest test.*

*If the Department does engage s.36 FOIA please provide a copy of the submission placed before the qualified person and a copy of the qualified person’s decision. “*

I confirm that the Department holds some of the information you requested but it is being withheld as it falls under the exemption in Section 36 (2) (b) and (c) of the Freedom of Information Act 2000.

This exemption covers information which if released would, or would be likely to, prejudice the free and frank provision of advice or which would otherwise, or would be likely otherwise to, prejudice the effective conduct of public affairs.

This exemption requires the public interest for and against disclosure to be balanced.

We recognise that the publication of all the information requested could provide a greater understanding of the risks, issues and progress steps of the Universal Credit Programme and so help inform a wider public debate.

However, we have to balance this against the fact that the withheld documentation includes details of a sensitive nature whose publication would prejudice effective conduct of public affairs. There is a strong public interest in the Department maintaining efficient and effective programme management and in ensuring that this process is not undermined by premature disclosure particularly where risks to delivery are not yet fully mitigated.

There is also a strong public interest in the Department being able to carry out and use frank assessments, including unrestrained and candid contributions from business areas.

The submission to the Minister seeking authority to engage the section 36 exemption was not held when your request was received.

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

Yours sincerely,

DWP Strategy 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, Caxton House, Tothill Street, SW1H 9NA. 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)