

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 July 2024

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested information on an evaluation of support provided to vulnerable Universal Credit claimants. The Cabinet Office provided some information and denied holding the remainder.
2. The Commissioner's decision is that the Cabinet Office does not hold any further information to that already provided.
3. The Commissioner does not require any further steps.

Request and response

4. On 1 December 2023, the complainant wrote to the Cabinet Office and requested information in the following terms:

"Please see:

https://www.whatdotheyknow.com/request/papers_7a_7b_from_the_22_1019_ucp/response/2465973/attach/4/H%20UCPB%2022.10.19%20Paper%207b%20PMIU%20UC%20vulnerable%20claimants%20deep%20dive.pdf.pdf

1. The PMIU deep dive report refers to itself as 'this next report' and also refers to a 'first report' which had been carried out by the PMIU. Please provide that first report.

2. Please provide any PMIU reports (or reports by successors to the PMIU e.g. the No.10 Delivery Unit, written since summer 2019, on a topic related to the support provided to vulnerable claimants.
3. The published deep dive refers, on slide 5, to undertaking assurance activities. Please provide the result of that assurance exercise”.
5. The Cabinet Office provided its response on 15 January 2024 and denied holding any information falling within the scope of the request.
6. The complainant requested an internal review of the handling of their request for information on 15 January 2024 and disputed that the Cabinet Office did not hold the requested information.
7. The Cabinet Office provided the outcome of its internal review on 11 March 2024. It confirmed that it had located some information falling within the scope of the request and provided this.

Scope of the case

8. The complainant contacted the Commissioner on 11 March 2024 to complain about the way their request for information had been handled. Specifically, they disputed that the Cabinet Office had located all of the information falling within the scope of the request.
9. The Commissioner considers that the scope of his investigation is to determine whether, on the balance of probabilities, the Cabinet Office holds further information falling within the scope of the request.

Reasons for decision

Section 1: General right of access to information

10. Section 1(1) of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information relevant to the request and, if so, to have that information communicated to them. This is subject to any procedural sections or exemptions that may apply. A public authority is not obliged under FOIA to create new information in order to answer a request.
11. Where there is a dispute between the information located by a public authority and the information a complainant believes should be held, the Commissioner, following the lead of a number of First-Tier Tribunal

decisions, applies the civil standard of proof – ie on the balance of probabilities.

12. In the specific circumstances of this case, the Commissioner will determine whether, on the balance of probabilities, the Cabinet Office holds further recorded information that falls within the scope of the request.

The complainant's position

13. In their complaint to the Commissioner, the complainant stated:

"The information provided in response to (1) of my request is incomplete. I have only been provided with part 'B' of the requested report and only pp. 9-16. My request was for the whole report.

I have not been provided with the information requested at (2) & (3) of my request."

The Cabinet Office's position

14. The Cabinet Office explained that the information provided to the requester was a subset of presentation slides from a larger pack and provided the Commissioner with a copy of this.
15. The Cabinet Office explained that the sub-set of slides specifically refers to "B) Experience of claimants and vulnerable groups Phase 1 report – what is currently known about the experience of vulnerable groups?". The Cabinet Office considered that as the remaining slides are not part of the 'first report' in regards to vulnerable groups and Universal Credit, they fall outside the scope of the request.
16. The Cabinet Office explained that the request was made with direct reference to a previous disclosure by the Department for Work and Pensions entitled "How effective is support for vulnerable Universal Credit claimants?".
17. The Cabinet Office explained that the Prime Minister's Implementation Unit (PMIU) became the No. 10 Delivery Unit in June 2021. PMIU was based within the Cabinet Office and the Delivery Unit was based within No. 10¹.

¹ The Prime Minister's Office.

18. The Cabinet Office confirmed that it had undertaken the following searches:

PMIU archived records:

"vulnerable claimants" 800+ hits
"vulnerable claimants universal credit" 800+hits
"vulnerable claimants universal credit type: pdf" 193 hits
"vulnerable credit claimants universal credit assurance" 415 hits

No. 10 Delivery Unit records:

"Officials in the Delivery Unit have confirmed that no work relating the [sic] matter in question – the provision of support to vulnerable Universal Credit Claimants – has been undertaken in the team since the formation of the Delivery Unit in June 2021."

19. In relation to request 3, the published report states: "We recommend that the outcome of an assurance exercise is discussed with John Manzoni". The Cabinet Office confirmed that in addition to the above searches, it also conducted searches of John Manzoni's² archived records with the following search terms:

Archived records:

"universal credit" 114 hits
"universal credit vulnerable claimants" 5 hits
"jcps assurance" 0 hits

Additional archived email accounts:

"universal credit vulnerable claimants JCPs assurance exercise" 13 hits
"jcps assurance" 32 hits
"(jobcentre OR JCP OR JCPs) assurance results" 34 hits
"universal credit assurance results" 115 hits

20. The Cabinet Office confirmed that the only information located was the 'Phase 1 report' provided to the complainant at internal review.

The Commissioner's position

21. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to
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² The former permanent secretary at the Cabinet Office

check what information was held at the time of the request and any other reasons offered by the public authority to explain why the information is not held. Finally, he will consider any reason why it is inherently likely or unlikely that information is not held.

22. For clarity, the Commissioner is not expected to prove categorically whether information is held, he is only required to make a judgement on whether further information is held on the civil standard of the balance of probabilities. That is, whether it is more likely than not that the Cabinet Office holds further information.
23. The Commissioner is satisfied that the Cabinet Office has undertaken reasonable and proportionate searches for the requested information. The Commissioner is unable to identify any further searches or actions the Cabinet Office could take to locate information falling within the scope of the request.
24. With regards to whether the Cabinet Office should have provided the whole document containing "part b", the Commissioner has reviewed the full set of slides and he accepts the Cabinet Office's position that the remainder of the document falls outside of the scope of the request. The Commissioner notes that "part b" refers to the requested report being part of a wider set of slides rather than the disclosed slides being part b of the requested report.
25. The Commissioner is satisfied that, on the balance of probabilities, the Cabinet Office does not hold any information further to that already provided to the complainant.

Right of appeal

26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Victoria Parkinson
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF