

Rt Hon Andrew Lansley CBE MP
Secretary of State for Health
Richmond House
79 Whitehall
London
SW1A 2NS

07 January 2011
Your ref: PO00000571282

Dear Andrew

Freedom of Information Request – risk assessments

Thank you for the letter dated 20 December I have received from Earl Howe in response to my Freedom of Information request to you of 29 November.

I note that Earl Howe has:

1. admitted the Department holds the information;
2. given a very full list of the relevant documentation;
3. admitted that there is a public interest in disclosure;
4. admitted that the Minister has accepted advice from officials that the Department “withhold part of this information”; and
5. admitted that you can only withhold the information because you claim the public interest of “*officials being able to engage in discussions of policy options and risks without apprehension that suggested courses of action may be held up to public or media scrutiny before they have been fully developed or evaluated*” and “*the need for myself, my ministerial colleagues and our officials to have sufficient space in which to develop thinking and explore policy options*” outweighs the public interest of disclosure.

I do not accept the core assessment that the public interest of disclosure is outweighed by the factors you set out. I am formally challenging the refusal to release the information requested on the basis that:

1. there is a far greater public interest in Parliament having some scrutiny on what is being planned for £80bn of annual public expenditure and over 1 million NHS staff having some idea of that is being planned for their and their families’ livelihoods is being properly risk managed than any argument against disclosure;
2. the Minister has said his officials’ advice is to withhold “part of this information”, but he has withheld all of it;
3. a risk register is not a development of policy options, but an objective list of risks associated with the implementation of a policy and an objective assessment of their severity and likelihood in both their unmitigated (not treated) and residual (treated) forms.

I will be immediately tabling parliamentary questions asking for the following information:

1. a full list of all “constituent parts of the Transition Programme” referred to in the Minister’s letter;
2. the names of all Programme Boards involved in the Transition Programme, plus details of their membership, the dates of their meetings and frequency;
3. details of the escalation route from Programme Boards to higher levels of the Transition Programme;
4. the names of the column headings only for each entry on each risk register

and for each column heading

1. the name and number of each individual risk on each risk register
2. the estimated likelihood and severity of each risk in its unmitigated form
3. the estimated likelihood and severity of each risk in its residual form
4. whether or not each risk has been escalated to a higher level of the Transition Programme and, if so, the date on which it was escalated

I also note that Ministers claim you can only justify the withholding of any information that gives details of:

1. suggested courses of action which have not been fully developed or evaluated; and/or
2. suggested policies where Ministers have not had sufficient space in which to develop thinking.

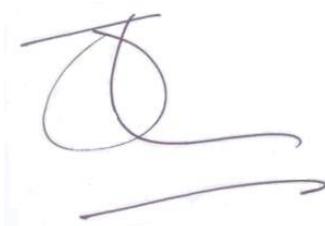
Everything else can and must be released to me under the Freedom of Information Act. I am therefore requesting you immediately release to me all DH risk registers and assessments, with only the following information redacted

1. “suggested courses of action from officials which have not been fully developed or evaluated”
2. “suggested policies where Ministers have not had sufficient space in which to develop thinking”.

By not releasing any information to me I draw the conclusion that this is a clear confession that officials’ advice has not been fully developed or evaluated and that Ministers have not had sufficient space in which to develop thinking. In other words, confirmation of what NHS experts, professional bodies and patients’ groups are all saying - that the internal reorganisation is not thought through and its implementation is being rushed forward in a reckless fashion, without proper planning or evaluation.

I look forward to receiving the information I have requested without delay. I will also be writing today to the Head of the Freedom of Information Team in your Department informing them that I am dissatisfied with the refusal of my request and asking them to carry out an internal review without delay.

Yours ever

A handwritten signature in blue ink, appearing to read 'John Healey', with a horizontal line underneath.

John Healey MP
Shadow Health Secretary