

## REQUEST FOR INFORMATION: MEETINGS WITH DEPARTMENT FOR EDUCATION

I am writing in response to your email dated 15 September 2010 requesting the following information under the Freedom of Information (FOI) Act 2000:

“as many details as possible (dates, locations, attendance, apologies sent and minutes) of all meetings attended by the Secretary of State for Communities, his ministers and his special advisers at which the Secretary of State for Education, one of his ministers or one of his special advisers were present”

Your request has been considered under the terms of the FOI Act. We interpret your request to cover the period from the date of coming into office of the current administration to the date of your request.

I can confirm that the Department for Communities and Local Government (DCLG) holds information falling within the terms of your request and is able to provide you with some of that information.

According to our records the following meetings/telephone conversations have taken place:

- DCLG Secretary of State and Greg Clark met with Michael Gove at DfE (Department for Education) on 24 May 2010. We hold no agenda or minutes of this meeting.
- Grant Shapps chaired the first meeting of the Ministerial Working Group on Preventing and Tackling Homelessness on 16 June 2010. Tim Loughton, DfE Minister for Children and Families, attended. Terms of Reference for the Group and Minutes of the meeting, including names of those attending are on the DCLG website at: <http://www.communities.gov.uk/housing/homelessness/homelessnessworkinggroup/>.
- DCLG Secretary of State and Greg Clark attended a ministerial meeting at which DfE ministers would have been present on 1 July 2010. We do not hold an agenda or minutes of this meeting.
- Greg Clark had a telephone conversation with Tim Loughton on 2 September 2010. No record was taken of this conversation.
- Andrew Stunell attended a Cabinet Sub-Committee on 9 September 2010 chaired by Sarah Teather, DfE Minister of State for Children and Families. We do not hold the minutes of this meeting.
- In relation to special adviser to special adviser meetings, special advisers do meet and engage with a range of special advisers routinely in the course of Government business but no specific records of these meetings are taken or held.

- In addition, DCLG and DfE ministers have attended regularly held Cabinet and Cabinet Committee meetings throughout the period.

While we do hold agendas and minutes for the Cabinet and Cabinet Committee meetings, we consider that this information falls within the exemptions in section 35(1)(a) and 35(1)(b) of the FOI Act (“information held by a government department... is exempt information if it relates to... (a) the formulation or development of policy [or] (b) ministerial communications”). Ministerial communications are defined in section 35(5) as “includes, in particular, the proceedings of the Cabinet or any committee of the Cabinet”.

### **Public interest test**

The exemptions under section 35 of the FOI Act are qualified and we must therefore assess the balance between the public interest in disclosure and that in maintaining the exemptions. We acknowledge the general public interest in openness and releasing as much information about the workings of Government into the public domain as possible. This is the rationale for the FOI Act.

On the other hand, Cabinet Government and the confidential nature of Cabinet proceedings are longstanding and fundamental conventions of the United Kingdom’s constitution. Disclosing the workings and discussions of Cabinet and Cabinet committees could reveal potential disagreements between ministers on details of policy and even policies themselves which, if made public, would undermine the convention of collective Cabinet responsibility and hence undermine the working of Government. Ministers must be at liberty to express their views frankly and candidly without the fear of their views being reported in public, otherwise they might express them less vigorously or even feel restrained from voicing them at all for fear that they will be misrepresented in the media or perceived to be in a minority in Cabinet. Thus discussion in Cabinet between ministers would be stilted and constrained by the knowledge that such discussions could be made public and decision-making would not have the benefit of the full range of freely expressed opinions to inform it. Minutes of meetings would become increasingly anodyne and uninformative, to the detriment of good record-keeping and future decision-making where that relies on previous records of decisions taken to inform it on specific policy matters.

For these reasons we consider that the balance of the public interest lies in maintaining the section 35 exemptions in this case and withholding agendas and minutes of Cabinet meetings attended by DCLG and DfE ministers that have taken place since the inception of the current Administration.