



Foreign &
Commonwealth
Office

Finance Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

24 January 2017

Website: <https://www.gov.uk>

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 1179 - 16

Thank you for your email of 24 December 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

1. *the number of fruitless payments (payments for which liability not to have been incurred or whether the demand for the goods and services in questions could have been cancelled in time to avoid liability) in excess of £30,000 made by or paid for by your department or its predecessor in the following financial years 2010/2011, 2011/2012, 2012/2013*
2. *What each payment was for*
3. *The value of each payment*
4. *The reason why the payment was made*
5. *The reason why the payment was classified as fruitless*
6. *Whether any disciplinary action was taken as a result of the payment (if there was any disciplinary action, please specify what the action was)*

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. This is presented in the following table:

Year	1. Number of Fruitless Payments over £30k	2. What each payment was for	3. The value of each payment (000s)	4. The reason why the payment was made	5. The reason why the payment was classified as fruitless	6. Whether any disciplinary action was taken as a result of the payment (if there was any disciplinary action, please specify what the action was)
2010/11	2	Information already in the public domain – see FCO Annual Report and Accounts 2010-11 Page 87 published online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229172/0974.pdf	£1,021 & £761	Information already in the public domain – see FCO Annual Report and Accounts 2010-11 Page 87 published online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229172/0974.pdf	The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	The FCO has a policy that in all cases of material financial loss, such as this, there is an internal independent investigation as to whether disciplinary action is required. We can confirm that an independent investigation took place. No disciplinary action was taken as there was no breach of the Civil Service code of conduct.
2011/12	0		0			
2012/13	1	Information already in the public domain – see FCO Annual Report and Accounts 2012-13 Page 112 published online at: https://www.gov.uk/government/publications/foreign-and-commonwealth-office-annual-report-and-accounts-2012-13	£342	Information already in the public domain – see FCO Annual Report and Accounts 2012-13 Page 112 published online at: https://www.gov.uk/government/publications/foreign-and-commonwealth-office-annual-report-and-accounts-2012-13	The payment was deemed fruitless because the FCO made payment that brought no benefit to the FCO.	The Series referred to was commissioned in support of the FCO's National Security objective. Ultimately the project failed to deliver, and a loss was made. This however needs to be seen in the context of an annual spend of £140 million on several hundred projects implemented across our global network. The failure of the project was subject to a formal internal investigation, leading to disciplinary action being taken forward against one UK based officer and specific recommendations including the strengthening of the implementation of Governance measures. These recommendations are now either complete, or in the process of completion. We cannot release any further details about the disciplinary action because this may allow the officer involved to be identified, contravening Section 40 of the FOI act as this is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

To note:

- under Section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you;
- the government's Managing Public Money guidelines, used in Foreign and Commonwealth Office accounting, define a Fruitless Payment as: "a payment which cannot be avoided because the recipient is entitled to it even though nothing of use to the department will be received in return." While we are not able to review all transactions against an alternative definition, we are not aware of any items other than those disclosed that would meet the alternative definition you have used in your FOI request.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on [gov.uk](https://www.gov.uk) in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Business Planning Team
Finance Directorate

