



Ministry
of Defence

[REDACTED]
Secretariat

Defence Equipment and Support
Ministry of Defence
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[REDACTED]

[REDACTED]

Your Reference:

Our Reference:
2016/02116

Date:
22 February 2016

Dear [REDACTED],

Thank you for your email dated 27 January 2016 requesting the following information:

We now make a "Freedom of Information" request to satisfy us that the scrutiny was indeed thorough including understanding and allowing for the impact on companies like SafeSkys which we might reasonably expect to see.

I am treating your email as a request for information in accordance with the Freedom of Information Act 2000. A preliminary search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that some of the information in scope of your request is held.

Section 12 of the FOI Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information. In conducting the preliminary search the MOD has located a large number of documents, emails, and electronic storage records going back to 2006-2007, across a range of different MOD teams, relating to the scrutiny of the project. To provide an answer would require a review of all of this information. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate limit. This is because to locate, retrieve and extract information in scope of your request would involve in excess of 7 man days of effort, and furthermore there is no guarantee the information actually exists for the second part of your question:

'including understanding and allowing for the impact on companies like SafeSkys which we might reasonably expect to see'.

The MOD SME Action Plan states that "MOD has increasingly adopted prime contracting for both acquisition and support... this has enabled risk to be transferred to the prime where it can be managed most effectively" and that "The bulk of MOD's expenditure with SMEs will therefore lie at Tier 2 of the supply chain or below, rather than in direct contracts". The MOD SME Action Plan is at the link for information:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361985/20140826_SME_Action_Plan.pdf

Section 16 of the FOIA requires a public authority to offer advice and assistance on how to reduce or refine a request to bring the cost of compliance under the limit by narrowing or limiting its scope. In this instance it is difficult to see how this could be achieved. I have however provided further information regarding the approvals and scrutiny arrangements for defence acquisition projects, accessed via the Acquisition Support Guidance at the following link:

<https://www.gov.uk/guidance/acquisition-operating-framework#how-to-access-the-asg>

Finally, you mention a media article which states that civil air traffic controllers will be 'rolled into' the Marshall contract. I can confirm that civil air traffic controllers were included in the scope of the contract awarded, following a competitive process, to Aquila Air Traffic Management Services, and were not added into the scope of the contract post down-selection or contract award. The actual MOD release relating to the award of the Marshall contract is at the link:

<https://www.gov.uk/government/news/15-billion-uk-military-air-traffic-management-deal>

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely



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