

Reference: 2025-139

Thank you for your email dated 11 December 2025 in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

- 1. Please can you share the spending review documentation or the elements (in context) that pertain to how SFO will achieve the cost savings cited by SFO**
- 2. The slide deck and any supporting papers supplied and presented to Exco for the 15/7/25 meeting that proposed possible approaches to the project delivery redesign**
- 3. The slide deck and any supporting papers supplied and presented to Exco on the 2/12/25. The minutes of the meeting that show the decision (in context)**
- 4. The contract terms that AllThorpe have been engaged on. There may be separate contracts for the CMS pre-work and the delivery of the CMS delivery. I am not requesting the actual cost figures as these may be viewed as commercially sensitive.**

In an email of 19 December, I asked you to provide a refined request for information regarding request one. In response to this, you provided this further context:

By way of context, I am seeking information relating to the SFO's decision to redesign its internal project management capability. The scope of which covers both the Transformation Division and Strategy Division. When I make reference to Transformation Redesign, I mean information relating to this activity either before or after staff were officially notified of the existence of such an activity. I am seeing information that either supports or undermines the three reasons cited for the decision to implement change. These are:

- 1. Cost savings agreed under the spending review 2025**
- 2. Requirement for specialist skills to deliver more complex projects**
- 3. Prefer to use external expertise to deliver more complex projects**

Please can you share the spending review documentation or the elements (in context) that pertain to how SFO will achieve the cost savings cited by SFO

SFO have cited as justification for the Transformation redesign (redundancies), that SFO had agreed through the spending review that the Transformation redesign would be the mechanism to achieve cost savings promised during the spending review process. I am seeking the evidence for these statements, the scale of the cost savings, and the why using external contractors would be cheaper than internal resources.

The slide deck and any supporting papers supplied and presented to Exco for the 15/7/25 meeting that proposed possible approaches to the project delivery redesign
[redacted]

I am seeking all information relating to this decision and what information had been provided before the meeting to inform the decision-making process at this meeting. I expect it will include any minutes relating to the decision made

The slide deck and any supporting papers supplied and presented to Exco on the 2/12/25. The minutes of the meeting that show the decision (in context)

As with 2 above, it is the information used to inform the ExCo meeting of the 2/12/25 and any information relating to the decision to proceed with the Transformation Redesign and any records of the decision made

The contract terms that AllThorpe have been engaged on. There may be separate contracts for the CMS pre-work and the delivery of the CMS delivery. I am not requesting the actual cost figures as these may be viewed as commercially sensitive.

I am seeking the information relating to the terms of engagement of the company AllThorpe to support the procurement and implementation of the Case Management System (CMS). This may include procurement records and contracts but I am not requesting at this stage the financial arrangements of the engagements. As this is cited as the preferred model for future project delivery of complex projects, I want to understand how SFO came to this decision and the evidence base supporting it. I want to know the procurement route followed and any assessments, assurance, or Q&A that defines the relationship between AllThorpe and SFO. This is to include any pre-work ahead of the CMS project.

Response

Questions 1, 2, and 3

I can confirm that information responsive to your requests is held. However, this information is exempt by virtue of sections 35 and 36.

Sections 35 and 36 are mutually exclusive. Therefore, to be clear, we consider section 35 to apply to any information which pertains to the Spending Review in the draft process, including the minutes and papers of meetings with the SFO Executive Committee and the Law Officers.

We consider section 36 to relate to any information which is not exempt by virtue of section 35 – namely, information which was created *following the outcome* of the Spending Review (for example, regarding implementation).

Section 35(1)(a) provides that:

Information held by a government department [...] is exempt information if it relates to the formulation or development of government policy.

How the exemption is engaged

Section 35 is engaged because the information requested was produced specifically to support the Spending Review process and related directly to the formulation and development of government policy. The exemption applies to protect the safe space required for officials to provide candid advice, explore options, and support ministerial decision making. This section is a class-based exemption.

In your refinement email you note: *“I am not requesting any information relating to policy creation. Decisions have now been made and therefore any policies are now in the BAU environment and subject to the public interest test.”* However, irrespective of whether a policy

is in draft or has been ratified, section 35 prevents the disclosure of material that would prejudice the policy creation process, including future policy creation.

Information which is responsive to your questions but is not exempt by virtue of section 35 is exempt by virtue of section 36, which provides that:

(1) This section applies to (a) information which is held by a government department or by and is not exempt information by virtue of section 35

This section further provides that:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

How the exemption is engaged

The SFO considers that section 36(2)(c) of FOIA is engaged. This is because in the (reasonable) opinion of the SFO's Director (the "qualified person" for this provision), complying with your request would be likely to prejudice the effective conduct of public affairs.

The Director believes that releasing this information would impact the implementation of the Spending Review outcomes which is currently underway. The SFO has an obligation to continually assess the most appropriate mechanisms for delivery and prioritisation. Releasing detailed information about how this is being undertaken would undermine this process.

Additionally, it is the Director's opinion that releasing this information would have broader implications on the implementation of future Spending Review decisions. The papers contain sensitive assessments, options and internal discussions that were essential to the Executive Committee's ability to consider our Spending Review approach objectively without external pressure. Releasing them would prejudice the effective conduct of future decision-making processes and have a deterrent effect on SFO staff who may be involved in this process in the future, if their decisions and suggestions are published.

Public interest test

Sections 35 & 36 are qualified exemptions and therefore require consideration of the public interest test. The SFO has attached appropriate weight to the Director's opinion when balancing the public interest test, in accordance with ICO guidance. We are considering the public interest test of both exemptions are once, in line with the recent Supreme Court judgment: Department for Business and Trade (Respondent) v The Information Commissioner (Appellant) - UK Supreme Court.

We recognise there is public interest in our work, as a public authority invested with public funding. We therefore regularly publish information on our spending and funding via the SFO publication scheme - GOV.UK and within in our Annual Report and Accounts, which are laid in Parliament. We are additionally held to account via regular appearances at Select Committees and via the superintendence of the Attorney General and Solicitor General. In line with our commitment to release information transparently, we will be publishing further information which may be responsive to these requests in future Annual Report and Accounts. On meetings minutes specifically, these are published here: Framework agreement between

the Law Officers and the Director of the Serious Fraud Office - GOV.UK. The responsibility for uploading minutes sits with the Attorney General's Office.

However, releasing the requested information has the potential to jeopardise the provision of full and impartial opinions and information for future Spending Reviews, or during the implementation of work related to the 2025 Spending Review settlement. Releasing this information, which relates to one department's draft bid which evolved during the course of the Spending Review process, could undermine the free and frank provision of advice by SFO staff.

In the opinion of the SFO's Director, disclosure of information pertaining to the Spending Review would be likely to prejudice the effective conduct of public affairs.

We have also taken into account the ICO guidance which notes that the "public interest [...] means the public good, it is not: what is of interest to the public; or the private interests of the requester (unless those private interests reflect what is the general public good, e.g. holding public authorities to account)."¹

It is important that SFO colleagues can present draft policies, discuss issues frankly and map out how resources could be allocated without fear of release. If these discussions are inhibited by the prospect of release, the quality of debate is likely to be restricted, which would be contrary to the public interest.

Therefore, we find that the public interest lies in favour of withholding the information requested.

Question 4

I can confirm this information is held. All Allthorpe contracts issued prior to November 2024 were issued on the G-Cloud 13 terms and conditions. All contracts issued since then were issued under the G-Cloud 14 terms and conditions. The current version of G-Cloud is 14 and the core terms and conditions can be found here on the Crown Commercial Services website - G-Cloud 14 - CCS. For further information regarding this contract, please find some details on Contracts Finder here: SFO-Allthorpe-CMS-IS - Contracts Finder.

Any further information we hold is commercially sensitive and therefore engages section 43(2) of the FOIA. Section 43(2) of the FOIA deals with commercial interests and provides that: *Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

How the exemption is engaged

The requested information could detriment to the SFO's commercial interests if released by weakening its negotiating position with future suppliers. It could also detriment the commercial interests of the supplier when engaging future clients. As such, this information is exempt from release under section 43(2) of the FOIA.

¹ ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/the-public-interest-test/

Public interest test

Section 43 of FOIA is a qualified exemption. As such, it requires consideration of whether the public interest in exempting the information outweighs the public interest in disclosing whether the public authority holds the information. More information about exemptions in general and the public interest test is available on the ICO's website at www.ico.org.uk. We understand the importance of publicising information about the SFO's use of public resources and funding.

However, we do not believe that disclosing information in relation to this particular contract would add significantly to these factors and therefore feel there is minimal public interest in releasing this material. Further, as outlined above, the SFO is compliant with the reporting requirements across government, which requires the publication of data surrounding procurement processes on the Contracts Finder website.

We have therefore concluded that the balance of the public interest is in favour of not disclosing the information requested as the commercial interests weigh in favour of not sharing this detail externally.