Response by the Department for Education on 19 May 2014 to a request made under the Freedom of Information Act by Full Fact

Thank you for your request for information, which was received on 19 March. You requested the following information, in relation to the universal infant free school meals (UIFSM) policy:

1) It's been mentioned that the DfE was not told about the policy going ahead until an hour or so before the announcement. Can I ask for the date and time that civil servants in the Department for Education were told that a free school meals policy for children in infant school was being announced?

2) In what form did this notification take place?

3) What are the full breakdowns of the costing of the policy, year-by-year? Please make clear whether the costings are financial, calendar or academic years.

4) A figure of £150 million has been quoted by the DfE as the cost of capital funding to support the rollout of UIFSM. On what basis was this figure calculated? Can I have whatever calculations or spending assumptions were made? Please include, if available, any assumed underspends in the DfE that underline the costing

I have dealt with your request under the Freedom of Information Act 2000 ("the Act"). Please accept my apologies for the delay in replying.

On your first and second questions, the Department does not hold the information you have requested. I can confirm however that Departmental officials were involved in discussions about the possibility of introducing UIFSM for some time prior to the Deputy Prime Minister's announcement at the Liberal Democrat Party Conference on 17 September 2013, and that the Department was informed of the Deputy Prime Minister's intention to announce the policy at the Party Conference in advance of his speech on 17 September. It is normal practice for the content of speeches to Party Conferences to be kept confidential prior to delivery.

In response to your third question, I can confirm that the government has allocated revenue funding of £419m in financial year 2014-15 and £590m in financial year 2015-16 to fund the UIFSM policy. The 2014-15 figure includes £22.5m of one-off funding to help small schools (those with up to 150 pupils) meet the transitional costs of introducing UIFSM. In addition, the Department has allocated £150m of capital funding in 2014-15 for the specific purpose of improving kitchen and dining facilities in schools. Funding for 2016-17 and beyond will be decided as part of the next Spending Review, in the same way as all other government expenditure.

On your final question, we have interpreted your request as covering the specific data that was taken into account in arriving at the capital figure of £150m. The statistical information that we took into account was the following:

- data in School Food Trust publications on the existing take-up of school meals and the numbers of schools with full, partial or no kitchen facilities on-site. This data is in the public domain and the Department is therefore

exempt under Section 21 of the Act from a requirement to provide it to you. However, you may find it helpful to know that the latest information is in the School Food Trust's 2011-12 report which is available at:www.childrensfoodtrust.org.uk/research/annual-surveys;

- assumptions about increased take-up of free schools under UIFSM. These are set out in the statistical model enclosed (Document 1);

- the capital allocations given to local authorities in the Department's last targeted capital programme for kitchen rebuilds. These are enclosed (Document 2);

- a breakdown of the number of eligible schools and pupils by LA. This is enclosed (Document 3); and

- an estimate of the size and rurality of eligible schools. This is enclosed (Document 4).

In addition, the Department assessed the need for capital funding in consultation with a number of local authorities. Information was provided on the current and future scope of provision and the estimate of the investment that would be required across the local authorities that we consulted, and this information was used in conjunction with the statistical information described above to provide a national projection of capital investment needs.

The Department does hold information relating to these discussions with local authorities, but this is being withheld under Section 35(1)(a) of the Act. Section 35(1)(a) allows for the withholding of information if it relates to the formulation or development of government policy.

In applying section 35(1)(a), the Act requires that the Department balances the public interest in withholding the information against the public interest in disclosing the information. I have set out below the particular factors which the Department considered when deciding where the public interest lay.

There is a general public interest in disclosure. Knowledge of the way government works increases if the information on which decisions have been made is available. This can lead to public contribution to the policy making process becoming more effective. There is a general public interest in being able to see if Ministers are being briefed effectively on the key areas of policy the Department is taking forward.

Conversely, it is in the public interest that the formulation of government policy and government decision making can proceed in the self-contained space needed to ensure that it is done well. Good government depends on good decision making and this needs to be based on the best advice available and a full consideration of the options. Without protecting the thinking space and the ability for Ministers and senior officials to receive free and frank advice, there is likely to be a corrosive effect on the conduct of good government, with a risk that decision making will become poorer

and will be recorded inadequately.

In this particular case, local authorities provided advice to the Department on the understanding that that was being done in confidence, for the purpose of informing decision making, and not that it would become part of the public record. Releasing this information would therefore be likely to make local authorities and others less likely to provide similar advice in future, because of concerns that such advice might be made public without having been properly quality assured or contextualised. This would result in the government having less access to this kind of advice with which to supplement national statistical information, which in turn would lead to less well-informed decision making.

In addition to these concerns about the potential effect of releasing the information, we have taken into account the fact that we are releasing to you all the statistical information underpinning the decision to make £150m of capital available. The information from local authorities was used to supplement this data and help inform a judgement about the overall level of the capital funding to be made available, but was not fundamental to the decision making process. For these reasons, we have concluded that the balance of public interest lies in not disclosing the local authority information.

Finally, in relation to your question regarding assumptions about DfE underspend underlined the costing. The costs of UFSM are being met from the wider resources available to the Department. No other capital programmes have been cut to pay for UIFSM kitchens.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and

wish to make a complaint or request for review of our decision, you should write to me within two calendar months of the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, however, the ICO cannot make a decision unless you have already exhausted the Department's complaints procedures.

Your correspondence has been allocated reference number 2014/0024651. If you need to respond to us, please visit:www.education.gov.uk/contactus, and quote your reference number.