

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 June 2023

Public Authority: Department for Work and Pensions
Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant has requested the evaluation strategy for the discovery phase of Managed Migration to Universal Credit. The Department for Work and Pensions (DWP) provided some information which it considered fell within the scope of the request.
2. The Commissioner's decision is that DWP does not hold any further information to that already provided to the complainant.
3. The Commissioner does not require further steps.

Request and response

4. On 20 July 2022, the complainant wrote to DWP and requested information in the following terms:

“Please provide the evaluation strategy for the managed migration discovery phase (please provide documents in full, appropriately redacted if necessary).

An evaluation strategy would set out key evaluation questions, and the monitoring, research and analytical methods DWP will use to evaluate the discovery phase:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/2499/2499.pdf>

If there is nothing explicitly called an ‘evaluation strategy’ then please provide documents which set out key evaluation questions, and the monitoring, research and analytical methods DWP will use to evaluate the discovery phase”.

5. DWP responded on 28 July 2022 and confirmed that it held the requested information. DWP refused to provide the information as it was already reasonably accessible to the complainant and therefore exempt under section 21. DWP provided a link to this information¹.
6. The complainant requested an internal review on 5 August 2022 and disputed that information found at the link was the requested information. They stated that the linked information dates from November 2019 which predates the discovery phase by more than two years and that paragraph 26 of this document states that the Evaluation Strategy will be published in March 2020.
7. DWP provided the outcome of its internal review on 31 August 2022. DWP confirmed that its original response was not correct and provided further information to the complainant. DWP confirmed that it had redacted a small amount of information under section 43, prejudice to commercial interests.

¹ https://data.parliament.uk/DepositedPapers/Files/DEP2022-0377/6-UCPB12-11-19-Paper5-MovetoUC_UpdatePilotEvaluation_R.pdf

Scope of the case

8. The complainant contacted the Commissioner on 31 August 2023 to complain about the way their request for information had been handled. Specifically, they disputed that DWP had located all of the information falling within the scope of the request.
9. The complainant did not dispute DWP's reliance on section 43 of FOIA.
10. The Commissioner considers that the scope of his investigation is to determine whether, on the balance of probabilities, DWP holds further information falling within the scope of the request.

Reasons for decision

Section 1: General Right of Access to Information

11. Section 1(1) of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information relevant to the request and, if so, to have that information communicated to them. This is subject to any procedural sections or exemptions that may apply. A public authority is not obliged under FOIA to create new information in order to answer a request.
12. Where there is a dispute between the information located by a public authority and the information a complainant believes should be held, the Commissioner, following the lead of a number of First-Tier Tribunal (Information Rights) decisions applies the civil standard of proof – ie on the balance of probabilities.
13. In the specific circumstances of this case, the Commissioner will determine whether, on the balance of probabilities, DWP holds recorded information that falls within the scope of the request.

The complainant's position

14. The complainant considers that there must be another document which would more accurately be described as an evaluation strategy. They set out that DWP had provided them with an undated eight page powerpoint document and that, given the size of the Move to UC programme and the vulnerability of the claimant group, it seems unlikely that this would be the extent of the evaluation.

15. They directed the Commissioner to slide 2 and set out that this appears to describe what a future strategy would be and considered that this may be describing a strategy that was to be written.
16. They considered that it would be expected that the factors cited in annex A² of the Government's response to the Work and Pensions special report on managed migration would be a subset of the more detailed factors included in the evaluation strategy but this does not appear to be the case.
17. They explained that this link refers to plans for an earlier evaluation strategy to include "key evaluation questions, and the monitoring, research and analytical methods we will use" and they consider that the evaluation strategy for the discovery phase would also include that information.
18. They also explained that they would expect the evaluation strategy to include information such as readiness criteria which has previously been set out in DWP documents³.

DWP's position

19. DWP explained to the Commissioner that an evaluation strategy is a document which outlines what is intended to be covered by a proposed evaluation activity. An evaluation is a systematic assessment of the design, implementation, and outcomes of an intervention. It involves understanding how an intervention is being, or has been, implemented and what effects it has, for whom and why. It identifies what can be improved and estimates its overall impacts and cost-effectiveness.
20. DWP explained that an evaluation strategy can be produced before an intervention is carried out. An evaluation strategy can change if the intervention itself is subject to change. As such an evaluation strategy is not a prescriptive or static document and no single element is immutable.
21. DWP confirmed that the Move to UC evaluation strategy (provided to the complainant at internal review) is a document which outlines what is intended to be covered by the evaluation process.

² <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/2499/249902.htm>

³ https://data.parliament.uk/DepositedPapers/Files/DEP2021-0836/26F-UCPB_25-06-19-Paper_5_-_Move_to_UC_Plans.pdf

22. DWP confirmed that it has not created a separate evaluation strategy for the Move to UC discovery phase. It explained that the Move to UC process is being designed and delivered using agile principles as defined by the Government Digital Service. The discovery phase is the initial design phase of the programme where core functionality is being built and reviewed based on a programme of continuous monitoring and testing. The Discovery phase is primarily about learning and development and not about the rollout of an agreed programme design. DWP explained that a full formal evaluation of this phase is not therefore necessary but care analysis, monitoring and continual learning is undertaken.
23. DWP confirmed that there has been no further iteration of the Move to UC evaluation strategy since the request was made in August 2022.
24. DWP explained that there is no predetermined length for an evaluation strategy. This is particularly true of an evaluation statement made for a programme of work being delivered in an Agile environment.
25. DWP explained that the precise Move to UC process is yet to be determined and it is still engaged in the core design stage, referred to as Discovery. DWP explained that Discovery will continue as it develops the approach for different groups. It stated that it will begin scaling some groups, initially learning how to scale, once Discovery is completed and it is implicit in an Agile design environment that the delivery process will be subject to change, iteration and continual improvement. DWP set out that an evaluation strategy that tracks alongside an Agile build process needs to be equally adaptable and will therefore not have a pre-determined programme of evaluation work.
26. In relation to the complainant's argument that page 2 of the disclosed document appears to describe what a future strategy will do, DWP confirmed that the document was written in advance of the Move to UC recommencing in 2022 and therefore the narrative was talking about a future strategy.
27. In response to the complainant's arguments regarding what they would expect to find in an evaluation strategy, DWP explained that the production of an evaluation strategy does not form part of the readiness criteria. These criteria are used as part of the programme governance to assess whether to move into the next phase. Outputs from research and analysis are used to inform whether readiness criteria have been met, but they also include other information relating to operational readiness, finance, and other programme factors.

The Commissioner's position

28. On the basis of DWP's explanations, the Commissioner is satisfied that, on the balance of probabilities, DWP does not hold any further information to that previously provided.
29. The Commissioner understands why the complainant would believe that DWP would hold the requested information. However, DWP has confirmed that it did not conduct an evaluation strategy, or similar exercise, of the specific phase of Move to UC.
30. He therefore accepts that, on the balance of probabilities, this information is not held.

Right of appeal

31. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

32. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Victoria Parkinson
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF