

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 September 2017

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information from the Ministry of Justice (MoJ) regarding the new programmes Kaizen and Horizon used in prisons and their accreditation and evaluation process.
2. The Commissioner's decision is that the MoJ has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The MoJ must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 23 May 2017, the complainant wrote to the MoJ and requested information in the following terms:

"On the 9th March 2017 a notice to prisoners was issued (33-2017) entitled 'Changes to programmes for men who have a conviction for sexual offending'.

It informed prisoners of 2 new programmes that are being introduced and which are replacing the core SOTP, the extended SOTP and the high intensity HRP, namely Horizon and Kaizen.

I would first like to know why the core SOTP, E-SOTP and intensity HRP have suddenly been replaced without warning when they have been deemed as accredited?

Within the notice to prisoners it states: "We have now consulted with CSAAP (Correctional Services Accreditation and Advisory Panel) who oversee all of the accredited programmes". It also states: "These new programmes are based on the latest thinking about what works to reduce reoffending".

With the above in mind please regard this letter as a freedom of information request.

As with any programme that is accredited by CSAAP it must meet the necessary 10 criteria. Criteria (1) "Clear model of change" states: "Its rationale must be explicit and supported by evidence" (underlined by me for emphasis). Criteria (1) further states: "evidence from existing research must be given to support the approach", (underlined again by me for emphasis).

In simple terms all programmes have to be based on up to date research therefore: -

- 1) I request all research evidence used by CSAP in order to give accreditation to Kaizen and Horizon,*
- 2) I request all statistical evidence which supports Horizon and Kaizen effectiveness*
- 3) The date on which Horizon and Kaizen were accredited*
- 4) Which prisons run Horizon and Kaizen*
- 5) All relevant information (including statistical) which meets criteria (10) "ongoing evaluation" which states: "there must be provision to evaluate the efficacy of the programme".*

I request this particular information at (5) because unless the programme is properly evaluated it is not possible to know whether or not it is effective. Evaluation should demonstrate, therefore, that offenders who complete the programme change as intended."

6. The MoJ have not responded.

Scope of the case

7. The complainant contacted the Commissioner on 29 June 2017 to complain about the way his request for information had been handled.
8. Following receipt of the complaint the Commissioner contacted the MoJ, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
9. Despite this intervention the MoJ has failed to respond to the complainant.

Reasons for decision

10. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

11. As a response has not yet been provided the Commissioner finds that the MoJ has breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

13. 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.
14. 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF