

**Department of Energy & Climate Change**  
3 Whitehall Place,  
London SW1A 2AW  
[www.decc.gov.uk](http://www.decc.gov.uk)

Our ref: FOI 12/0317

26 March 2012

**RE: FOI 12/0317**

Thank you for your email of 27 February where you requested information about potential or discovered potential financial irregularities by contractors and/or programme providers.

You asked for details of the following:

- 1) How many times has the department been notified of potential financial irregularities or discovered potential financial irregularities by contractors and/or programme providers (e.g. of the Warm Front scheme) since 2005? Please list the name of the organisation where this occurred and the date of discovery.
- 2) How many official investigations have been undertaken by DECC relating to potential irregularities? Please list the relevant organisation under investigation and the start/finish date of these investigations.
- 3) Which of these investigations have been referred to the police or another investigating authority?

If you cannot provide all this information, please give as many details as possible, however incomplete. Where you cannot give out information, please justify this by reference to the Act.

The Department of Energy and Climate Change was created in October 2008.

The Department considers that the information you have requested is exempt under section 31 of the Freedom of Information Act. In the Department's view the following parts of section 31 apply in this case:

- (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice:
  - (a) the prevention or detection of crime
  - (b) the apprehension or prosecution of offenders
  - (c) the administration of justice
  - (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

(h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment

(2) The purposes referred to in subsection (1)(g) to (i) are—

(a) the purpose of ascertaining whether any person has failed to comply with the law

(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

The exemption in Section 31(3) is qualified and is subject to the balance of the public interest. This means that a public interest test must be carried out to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information, as set out below.

In favour of release, we acknowledge that disclosure of information regarding how many times has the department been notified of potential financial irregularities or discovered potential financial irregularities by contractors and/or programme providers; how many official investigations have been undertaken by DECC relating to potential irregularities; and which of these investigations have been referred to the police or another investigating authority would provide assurance that the Department is protecting its finances appropriately.

However, in favour of not providing or confirming the existence of the information requested, we consider that, in this case, public confirmation of any allegations received, or investigated would prejudice the investigation and prosecution of any case(s) now and in the future. It would also provide information useful to those wishing to defraud the Department. A criminal could deduce if their actions had been detected or not. For example, if a department responded 'no information held' a criminal could carry on attempting to defraud the Department knowing they had not been detected. Alternatively, if a department responded that information is held, though exempt, a criminal may think they have been detected and stop, which may damage any attempt to identify them via law enforcement agencies. This is not in the public interest.

We have concluded that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether the information is held

Appeals procedure:

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Information Rights Unit (foi@decc.gov.uk). Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.