

Lord Burns
Independent Commission on Freedom of Information
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Dear Lord Burns

The Howard League for Penal Reform (hereafter the Howard League) welcomes the opportunity to submit evidence to the Independent Commission on Freedom of Information. Our evidence will be based on experience of employing Freedom of Information (FOI) legislation in the field of crime and justice.

About the Howard League

The Howard League is the oldest penal reform charity in the world. We conduct research, campaign and, through our legal team, represent children and young adults in custody. We work towards less crime, safer communities and fewer people in prison. For more information about the Howard League please visit www.howardleague.org.

Key points

- FOI is of the utmost importance in regard to the criminal justice system, where the state exercises its strongest powers.
 - Extending FOI legislation to private and voluntary organisations delivering public services would enhance transparency and reduce the burden on public bodies.
 - Reforms prompted by the release of information via FOI have saved vast amounts of public money, far outweighing the administrative costs of fulfilling FOI obligations.
 - FOI requests should not be made subject to a charge. This is unnecessary and would unfairly restrict access to information about government and public services to those with financial means.
 - Current restrictions and exemptions to FOI ensure a private space for ministers to seek policy advice and develop ideas.
1. Freedom of information legislation is an important tool in achieving openness, transparency and holding public bodies to account. It is an essential mechanism in the area of crime and justice, where the balance of power between the state and the individual is at its least equal. Individuals are at their most vulnerable and powerless when in police or prison custody. This should be borne in mind when considering restricting or weakening the application of FOI legislation in any way.
 2. Rather than being curtailed, it is crucial that FOI legislation is extended to private and voluntary organisations delivering public services. As the state continues to withdraw from providing services directly and increasing sums of public money are spent on outsourced services extension of FOI becomes an ever more critical issue. For example, in the last

year 70 per cent of probation services have been outsourced to the private sector. This policy change has drastically reduced the amount of publicly available information about this crucial service. Extension would not significantly improve transparency, reduce corruption and fraud and reduce the burden on public bodies.

3. For example, in 2013 G4S and Serco, the companies which held contracts for electronic monitoring of people involved in the justice system, were found to have defrauded the government of approximately £180 million over a period of eight years. Had FOI applied to the electronic monitoring contracts it is likely that this fraudulent activity would have been prevented or discovered much earlier. Similarly, the recent scandal concerning the charity Kids Company could have been avoided if those delivering government contracts or receiving large publicly funded grants were subject to FOI.
4. The exemption of private and voluntary organisations from Freedom of Information legislation places additional burdens on public bodies. In an attempt to ascertain information about public services provided by exempt organisations, interested parties will often submit FOI requests to the public organisations that commission or come in to contact with the private or voluntary organisations. For example, recently there has been concern about the quality of healthcare in private prisons and the number of ambulance call outs. As the companies running private prisons are not subject to FOI legislation, requests are sent to each ambulance service. Extending FOI legislation would enable a much fairer distribution of the administrative burden FOI requests and responses involve.
5. The Howard League recognises that government departments and public bodies can find FOI obligations burdensome. However, the charity maintains that the current limits of the amount of time and money which can be spent on FOI responses are adequate and proportionate. In addition, little account is taken of the savings achieved due to reforms made following information revealed via FOI, which in many cases are substantial. The Howard League's work on child arrests is one example of many.

Child Arrests in England and Wales

Since 2008 the Howard League has been collecting, through Freedom of Information requests, data on the number of children arrested by each police force in England and Wales. Every year the Howard League publishes the latest child arrest figures as well as work with police forces to reduce the number of children they arrest. Between 2010 and 2015 the number of child arrests has fallen by 56 per cent from 245,736 to 112,037 a year.

The data obtained through FOI allowed child arrests figures to be presented in a clear and comparable way for the first time. The public interest in these figures as well as pressure and support from the Howard League enabled police forces to focus on the issue and take action to change their practices. As well as improving the lives of hundreds of thousands of children and their families, this FOI based research has helped to save millions of pounds in policing, courts, prison and probation costs.

6. Access to information about public services should not rest on ability to pay. The Howard League would strongly resist any attempts to make FOI requests subject to a fee. As a point of principle information about government and public services should not be available only to those with means. Further, the cost savings generated by information following FOI requests outlined above mean that charging for information is unnecessary.
7. We understand concerns that civil servants should be able to provide full and frank advice but in our experience the current legislation provides ample space for ministers and civil

servants to debate and develop policy. When the Howard League has employed FOI legislation and touched on areas which might conceivably encompass official advice, the many exemptions applicable to FOI are used frequently and information regarding policy development is rarely divulged.

Yours sincerely,

A handwritten signature in blue ink that reads "Frances Crook". The signature is written in a cursive, slightly slanted style.

Frances Crook