



National Audit Office

The UK's independent public spending
watchdog

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Date 05 December 2023

Dear

GIAA REPORTS ON CARER'S ALLOWANCE FROM 2016, 2017 AND 2019

Thank you for your email request of 11 November 2023 asking for copies of the three GIAA reports from 2016, 2017 and 2019 as mentioned in the NAO report '[Investigation into overpayments of Carer's Allowance](#)' which was published in 2019. Your request has been considered under the terms of the Freedom of Information Act 2000 (FOIA).

The FOIA provides a legal right of access to recorded information held by a public authority, but it is subject to certain exemptions that may apply. While we hold information in scope of your request, we consider it to be exempt from disclosure under Section 33 (public audit functions) of the FOIA.

Your original request has been reproduced in **Annex A** for your reference. **Annex B** provides a full explanation of the Section 33 exemption, how it applies to your request and our consideration of the public interest test.

I am sorry we are not able to share the information that you requested on this occasion. **Annex C** sets out the steps you may wish to take if you are not satisfied with the way we have handled your request for information under FOIA.

Yours sincerely,

NAO FOI Team



Annex A

Request for 3 GIAA reports on Carers allowance from 2016, 2017 and 2019 as referenced in an NAO report on Overpayments in Carers Allowance from 2019:

(Your request is in italics below)

I would like copies of the following documents:

The 3 GIAA Reports on Carers Allowance carried out in 2016, 2017 and 2019 which are mentioned in the National Audit Office Investigation into Carers Allowance overpayments, published in April 2019.

The reports are mentioned in Fig 16, page 35 of the report (see link below)

[Investigation into overpayments of Carer's Allowance \(nao.org.uk\)](https://www.nao.org.uk/publications/201904/investigation-into-overpayments-of-carers-allowance/)

There is some relevant background to my request, which I hope you will take into account and treat as confidential. I am the DWP staff member whose complaints about the Carers Allowance compliance work led to the 2016 and 2019 reports being commissioned. I have requested copies of the GIAA reports from DWP many times, in order to further understand what action was taken concerning the various complaints that I made, which started in 2009, and why the problems with the Carers Allowance data-matching continued throughout the 2010s. DWP have always refused to supply me with the GIAA reports and this has caused me considerable distress and upset.

Moreover, there is now also considerable public interest which would justify the publication of these reports, as the Work and Pensions Select Committee are currently making enquiries with the Department about the effectiveness of the Carers Allowance compliance work. See the latest correspondence the Committee published on this topic last week: committees.parliament.uk/publications/41959/documents/208788/default/.

NAO response:

We have searched our records and can confirm that we hold information falling within the scope of your request but consider this information exempt from disclosure. The following exemptions apply: Section 33 (public audit functions). Please see Annex B below for details of this exemption.

Annex B

This annex sets out the exemption that we have applied to your request.

Section 33 Freedom of Information Act 2000 – Public Audit

Section 33 of the FOIA provides that:

(1) This section applies to any public authority which has functions in relation to -

(a) the audit of the accounts of other public authorities, or

(b) the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.

(2) Information held by a public authority to which this section applies is exempt information if its disclosure would, or would be likely to, prejudice the exercise of any of the authority's functions in relation to any of the matters referred to in subsection (1).

Reasons why we have applied the Section 33 exemption:

We have applied the Section 33 exemption to the information we hold in scope of your request, namely the three GIAA reports on Carer's Allowance from 2016, 2017 and 2019. This information was provided to us by the Department for Work & Pensions (DWP) for our investigation into overpayments of Carer's Allowance and we believe that disclosing the information under FOIA would be likely to prejudice the effective performance of our public audit functions going forward and so Section 33 exemption applies.

The audit process is enhanced significantly by audited bodies or third-party entities responding promptly to information requests and/or volunteering information to support a constructive, timely and effective audit. Disclosure by the NAO of sensitive information beyond that required for audit reporting purposes would impair the provision of audit information in the future – it would reduce, if not cut off, critical information flows. It would incentivise DWP and other audited bodies to take a minimalist approach to NAO information requests or, in the case of bodies whose engagement is optional, serve to discourage such information sharing altogether.

An effective, efficient audit is supported through an open and constructive approach between the NAO and the audited body. As such it is critically important that we have a safe space to gather information and knowledge and can engage in a free and frank way with audited bodies. The release of this information would remove this safe space - precipitating a backdrop of increased challenge and procedure around requests for audit information. This would require the NAO to formally assert our statutory access rights more frequently and potentially seek to enforce them, leading to significant delay, escalation of issues and increased audit costs.

Section 17(3) of the Budget Responsibility and National Audit Act 2011 places a duty on the C&AG to "aim to carry out functions effectively and cost effectively". Given the above factors, we consider that our disclosure of the information requested would be at odds with this statutory requirement – it would serve to undermine the effectiveness and increase the cost of the C&AG's public audit functions.

For the reasons set out above, we consider it appropriate to apply the public audit exemption available under Section 33(2) of the FOIA.

Reasons why the public interest in maintaining the exclusion outweighs the public interest in disclosing the information in this case:

The NAO is independent of government and scrutinises public spending on behalf of Parliament. Our work serves the public interest by providing transparency on matters of public interest and driving improvement in the use of public resources.

We recognise there is a public interest in knowing the use of public money is subject to appropriate levels of accountability and transparency. However, we consider the disclosure of the specific information we have withheld would be likely to reduce the effectiveness of the audit process for the reasons set out above.

The NAO's work puts information into the public domain and helps Parliament hold government to account. In our view, the balance of public interest rests with the NAO being able to deliver an effective and efficient public audit function and report our findings in public. Consequently, given the negative impact that would result from disclosure, we consider it appropriate to maintain the Section 33 public audit exemption.

Annex C

Statement of Policy

Our policy is to respond to requests made under the Freedom of Information Act 2000 as helpfully and promptly as possible, having regard to the principles set out in the Act. I therefore hope you are happy with the way we have handled your request. If you are not, then you should take the following steps.

In the first instance, within 40 working days, write to the National Audit Office Freedom of Information (FOI) Team at FOI@nao.org.uk or by post to:

FOI Team, Green 2, National Audit Office, 157-197 Buckingham Palace Road, London, SW1W 9SP

The Head of FOI will arrange a review, which will be conducted by a senior member of staff who was not involved in decisions relating to your original request. Once the review has been completed, we will write informing you of the outcome.

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 primary way of escalating your concerns to the Information Commissioner is at: www.ico.org.uk/foicomplaints

Alternatively you can contact the ICO at <https://ico.org.uk/> or Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF.