



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Wynne Jones
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10 August 2021

Dear Mr Jones,

Freedom of Information Request Reference FOI-1347980

Thank you for your request dated 14 July, in which you asked the Department of Health and Social Care (DHSC):

"I attach copy of "Health and Social Care Act 2008 [Regulated Activities] [Amendment] [Coronavirus] Regulations 2021".

The "explanatory note" confirms that a full Impact Assessment of the costs and benefits of the instrument is available from the D H S C. The relevant text is highlighted for your convenience.

I would be grateful if you could arrange to provide me with a copy of the Impact Assessment at your convenience."

Your request has been handled under the Freedom of Information Act (FOIA).

I can confirm that the Department does hold the information relevant to your request.

For your information the explanatory note has been amended in the regulations to clarify that an impact statement rather than an impact assessment was produced. The amended explanatory note is available to view on the gov.uk website at [The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2021/0001/eng/sched/1/notes).

The impact statement can be found on the gov.uk website ([Statement of impact – The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statements/2021/08/04/impact-statement-the-health-and-social-care-act-2008-regulated-activities-amendment-coronavirus-regulations-2021)).

The full impact assessment is being withheld under Section 22, which states that public bodies are not obliged to disclose information that is intended for future publication. Section 22 is a qualified exemption, and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information. We recognise the strong public interest in this information and that disclosure leads to greater transparency in government.

However, there is also a very strong public interest in ensuring that information is made available to everyone at the same time, thereby ensuring equity of access. For this reason, we have concluded that the public interest in withholding this information outweighs that in its release. The Department takes the view that the public interest in the disclosure of this information will be satisfied by its publication in the future.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

Michael Pierson
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