



Department
for Transport

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Our Ref: F0020406

19 November 2021

Freedom of Information Act Request – F0020406

Thank you for your Freedom of Information (FOI) Act request of 22 September 2021. You requested the following information:

'In Parliamentary question UIN 41131 it was confirmed that "The Department commissioned quantitative and qualitative research to assess potential interest in flexible season tickets amongst rail users and non-users." Please send me the research reports referred to in this question, within the time period from 01 March 2020 to present. If there is not enough time, please limit this to the main reports, as were summarised/briefed to ministers. Please include any report or summary that assesses the impact of flexi-tickets on traditional season ticket sales. Provided there is enough time, please send me any summaries/briefings of reports or research regarding flexi-tickets that were presented to ministers, including cost-benefit analyses, demand forecasts and equality impact assessments. This relates to the period from 01 March 2020 to present.'

I am writing to confirm that your request has been considered by the Department under the FOI Act 2000. I can confirm that the Department does hold information that falls within the scope of your request.

Please find the attached summary analysis on the impact of the introduction of flexible season tickets. Redactions have also been made to the attached information that falls outside the scope of your request.

At this time, we are withholding the flexible season tickets research reports in reliance on the exemption at section 22(1) of the FOI Act 2000, which covers information intended for future publication. As section 22(1) is a qualified exemption we are required to balance the public interest in disclosing the information against that for withholding it. **Annex A** to this letter sets out the exemption in full and details why the public interest test favours withholding the information at this time.

With regard to your request for equality impact assessments, in this case the Department's Public Sector Equality Duty Analysis, this information is being withheld under the exemption at section 35(1)(a) (Formulation of government policy) (the full text of the exemption is attached at **Annex B**) of the FOI Act 2000. As section 35(1)(a) is a qualified exemption, we are required to balance the public interest in disclosing the information against that for withholding it. **Annex B** to this letter also details why, on balance, the public interest test favours withholding the information.

Appeals procedure

If you are dissatisfied with the way we have responded to or handled your request, you have the right to ask for an internal review. These should be submitted within two calendar months of the date of this letter and addressed to the FOI Advice Team at:

FOI-Advice-Team-DFT@dft.gov.uk.

Please remember to quote the reference number above in any future communications. If you ask for an internal review and are still not content with the outcome, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted via its online form at:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Yours sincerely

Steven Burton
Senior Correspondence Manager – Passenger Service

Annex A

Section 22 – Information intended for future publication

(1) Information is exempt information if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Factors for disclosure	Factors against disclosure
<ul style="list-style-type: none"> - The Government’s promotion of the ideal that information should be made public rather than not, and that Government should be more transparent. - Disclosure of the flexible season tickets research reports would help to allow the individual concerned, or the public as a whole, to understand the decision-making process of the Department with regard to franchises and their retail and catering tenants. - Disclosure would contribute to the Government’s wider transparency agenda. 	<ul style="list-style-type: none"> - It is important that we are able to publish the flexible season tickets research reports in a manner, form and timing of our own choosing. - It is important that the Department is able to consult with the relevant people before the documents are published. - Officials’ time would be better spent compiling and verifying the information in readiness for publication as opposed to dealing with piecemeal requests and avoid misinterpretation and confusion. - Publishing the flexible season tickets research reports on the GOV.UK website will allow everyone to see it at the same time and provide a clear and consistent approach.
Decision Reached	
<p>The flexible season tickets research reports are being withheld at this time as the documents are in preparation, but are not yet at a stage where they are ready for publication. These documents are intended for future publication. On balance the public interest in withholding this information until formal publication outweighs the case for disclosure now.</p>	

Annex B

Section 35: Formulation of government policy

(1) Information held by a government department or by the national assembly for Wales is exempt info if it relates to -

(a) The formulation or development of government policy

Public Interest Test

Factors for disclosure	Factors against disclosure
<ul style="list-style-type: none">- Disclosure of the information relating to the Public Sector Equality Duty Analysis would allow the individual, and the public at large to see what is being considered and allow them to contribute to the process.- As public knowledge of the way in which the government works increases, the public contribution to the policy making process could become more effective.	<ul style="list-style-type: none">- Flexi Season tickets are subject to a formal 12-month review that is currently underway. Any recommended changes that emerge from this will be subject to Ministerial approval, including those related to equalities.- Therefore, until the 12-month review concludes, the Department's Public Sector Equality Duty Analysis remains a live document subject to change.- Releasing this information may prejudice future changes made to the passenger proposition being based on the representative findings of the review, which is clearly against the public's interest.- The disclosure of correspondence relating to the formulation and development of live government policy, in respect of passenger services, will inhibit discussions, as officials will be reluctant to provide views and opinions if they were routinely disclosed ahead of any formal announcements.- Clearly it is in the public interest that Ministers and officials have a safe space in which to formulate and develop government policy and that decision making is based on the best advice available and a full consideration of all the options.- The policy is still live and has not yet been given Ministerial approval and there is a risk that Ministers will require further consideration in conjunction with stakeholders and industry

	<p>representatives. If such information and advice was routinely made public there is a risk that officials could come under political or public pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making. Clearly this would not be in the public interest.</p> <ul style="list-style-type: none">- Ministers and officials need to be able to conduct rigorous assessments on any future policy on managing passenger services including considerations of the pros and cons without there being premature disclosure which might close off better options. The effect on future investment also needs to be considered.- The quality of the formulation and development of future government policy should not be put at risk of it, or the information informing it, having to be presented in any particular way were it to be the subject of scrutiny.
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Decision Reached

Ministers and officials need to be able to conduct rigorous assessment on any future policy concerning passenger services without the risk of the information being prematurely disclosed, which might close off better options. This information is being **withheld** as on balance the factors for withholding this information outweighs the factors for releasing it.