

## Written Evidence from John Lubbock (FOI 10)

### Public Administration and Constitutional Affairs Committee The Cabinet Office Freedom of Information Clearing House inquiry

As a journalist, I have been particularly disappointed in the way in which the Cabinet Office failed to respond adequately to my FoI request about whose decision it would be to stop using emergency procurement rules which were authorised at the beginning of the Covid pandemic.

In February 2021, I made an [FoI request](#) asking

- A) who has responsibility for deciding when it is no longer necessary to use emergency tendering processes, and
- B) how will it be decided that the situation no longer requires the use of emergency regulations?

Eventually, on June 30, some 4 months after my initial request, the Cabinet Office told me that it was “not the decision of the Cabinet Office whether to use Regulation 32 of the Public Contracts Regulations; this is for each contracting authority to determine and the information issued from Cabinet Office merely signposts existing regulations within the legislative framework which allows for procurement under an emergency.”

The use of emergency contracting rules has allowed for contracts to be issued without tender in a way which seriously damages transparency and accountability, and has led to a number of judicial reviews already. It is now 18 months since the start of the pandemic, and the Cabinet Office, who issued the guidance that public bodies could issue contracts without tender, says it is not its responsibility to tell these bodies when to stop doing this.

This process has created a huge moral hazard which effectively encourages corruption by limiting transparency in the awarding of contracts. The bypassing of normal tendering processes could effectively go on as long as public bodies can argue that they must continue to evade tendering rules due to the backlog of work created by the pandemic.

The obfuscation and denial of responsibility by the Cabinet Office on this very important part of government transparency and accountability is very concerning to me. There is a lack of willingness to engage with journalists, even on simple matters where they could easily provide the information requested. The Cabinet Office should take responsibility for telling public bodies that it is no longer an emergency which requires them to bypass normal tendering processes. Their lack of willingness to do so is concerning for our democratic system.

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