

## PART 2 – CONFIDENTIAL FACTS AND ADVICE

**MD2892**

**Title: Domestic abuse support in safe accommodation - strategy and commissioning**

*Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.*

**This information is not suitable for publication until the stated date because:**

Part 2 is restricted as it contains information that it is legally privileged.

**Date** at which Part 2 will cease to be sensitive or when this information should be reviewed with a view to publication: 1 November 2022 (for a review)

**Legal adviser recommendation on the grounds for not publishing information at this time:**

Legal professional privilege (LPP) protects confidential communications between lawyers and clients. Section 42 of the Freedom of Information Act 2000 provides an exemption for information protected by LPP.

This exemption is qualified by the public interest test. Relevant factors in favour of maintaining the exemption include the rationale being the concept of LPP i.e. safeguarding openness in all communications between client and lawyer to ensure access to full and frank legal advice, which in turn is fundamental to the administration of justice. There do not appear to be strong countervailing considerations to outweigh the public interest in maintaining the exemption.

**Legal Adviser** - I make the above recommendations that this information is not suitable for publication at this time.

**Name:** Jonathan Lloyd

**Date:** 22 October 2021

*Once this form is fully authorised, it should be circulated with Part 1.*

**Decision and/or advice:**

**Statutory duty to publish draft strategy for consultation by 26 October 2021**

The GLA will publish the draft strategy for consultation during w/c 1 November 2021. The 2021 Regulations prescribe a statutory duty on the GLA to publish the draft strategy at least 10 weeks before the publication date of the final strategy which is before 5 January 2022. The GLA will therefore breach this statutory duty by publishing the draft strategy after 26 October 2021.

Whilst there is no sanction in the 2021 Regulations for breach of the statutory deadline, the GLA's failure to comply with the statutory duty would be amenable to judicial review. Any claim for judicial review would likely be brought on the basis of illegality given the GLA has not complied with the statutory deadline to

publish the draft strategy.

**Proposed length of consultation**

The GLA is proposing a consultation period for the draft strategy of under three weeks.

A decision to undertake a consultation of under three weeks would be amenable to judicial review. Any claim for judicial review that is issued would be likely to be brought on the basis of procedural unfairness and is likely to allege that the shortened consultation period for the draft strategy has not allowed adequate time for a considered and meaningful response.