

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 April 2018

Public Authority: Education & Skills Funding Agency (ESFA)
Address: Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Decision (including any steps ordered)

1. The complainant requested information relating to traineeships. The ESFA has failed to respond to this request.
2. The Commissioner considers that the ESFA breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The ESFA must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 8 January 2018 the complainant wrote to the EFSA and requested information in the following terms:

"I would like to know the number of traineeship starts by provider per year since traineeships were first introduced.

Please include the name of each provider and the UKPRN number, and the number of starts in separate columns for each year."

6. The EFSA has failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 13 February 2018 to complain about the way the request for information had been handled.
8. The Commissioner has considered whether the EFSA has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

10. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him."*

11. The request was made on 8 January 2018 and a response has not yet been provided. The Commissioner therefore finds that the EFSA breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Gemma Garvey
Senior Case Officer

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Wycliffe House
Water Lane
Wilmslow
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