

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2014

Public Authority: Welsh Assembly Government
Address: Cathays Park
Cardiff
CF10 3NQ

Decision (including any steps ordered)

1. The complainant has requested copies of any finance-system reports in relation to the Welsh for Adults programme which show that it is an effective use of £70,000,000. The Welsh Government sent the complainant various documents however he was not satisfied with this and considers that it has not provided all information falling within the scope of his request. The Commissioner's decision is that the Welsh Government has complied with its obligations under section 1(1) of the Freedom of Information Act 2000, ('the FOIA'). The Commissioner does not require the public authority to take any steps.

Request and response

2. On 17 November 2013, the complainant wrote to the Welsh Government and requested the following information:

"...copies of any finance-system reports which clearly show that the Welsh for Adults programme is an effective use of £70,000,000 and that it represents genuine value for money."
3. The Welsh Government responded on 18 December 2013. It provided an explanation of how it aims to ensure value for money of the programme which included a description of its processes. It also referred to a report published in July 2013 produced by the Welsh for Adults Review Group and provided a link to the First Minister and Minister for Education's published response to that report on 2 December 2013.

4. Following an internal review the Welsh Government accepted that the complainant had requested copies of such reports as opposed to a description of its processes. The Welsh Government noted that the complainant had not specified a time period and provided a copy of the latest report for the year 2013-2014. It also informed the complainant that an evaluation of the Welsh for Adults programme was published in 2011 and provided a link to its research and evaluation section.
5. The complainant wrote to the Welsh Government following its internal review stating that the copy of the report consisted of a single page which shows neither that the Welsh for Adults programme is an effective use of £70,000,000 or that it represents genuine value for money.

Scope of the case

6. The complainant contacted the Commissioner on 28 April 2014 to complain about the way his request for information had been handled. He was not satisfied that the Welsh Government had provided all information falling within the scope of his request.
7. The Commissioner's investigation has therefore considered whether the Welsh Government has complied with its obligations under section 1(1) of the FOIA.

Reasons for decision

Section 1

8. Under section 1(1) of the FOIA, in response to a request for information a public authority is only required to provide recorded information it holds and is not therefore required to create new information in order to respond to a request.
9. In his consideration of this case, the Commissioner is mindful of the former Information Tribunal's ruling in EA/2006/0072 (Bromley) that there can seldom be absolute certainty that additional information relevant to the request does not remain undiscovered somewhere within the public authority's records. When considering whether a public authority does hold any additional information therefore, the normal standard of proof to apply is the civil standard of the balance of probabilities.
10. The Commissioner's judgement in such cases is based on the complainant's arguments and the public authority's submissions

including, where relevant, details of searches undertaken. The Commissioner expects the public authority to conduct a reasonable and proportionate search in all cases.

11. In this particular case, the Welsh Government has confirmed that the complainant received a small extract from a finance report. The full 122 page report contains a breakdown of a specific work area in its Corporate Performance Management System. It includes a summary of targets, measures and outputs according the relevant work area, in this instance the DfES 2013-14 Delivery Plan Detail. The Welsh Government has provided the Commissioner with a copy of the document, and he is satisfied that the complainant received the relevant information from the report.
12. The Welsh Government also identified as relevant the Welsh for Adults Review Group 2013, published in July 2013. It has confirmed to the Commissioner that the complainant was provided with a copy of this report shortly after it was published. It has also confirmed that it subsequently received five letters from the complainant in response to this report in late August 2013, therefore the Commissioner is satisfied that he did receive a copy.
13. Also identified as relevant to the request was the Welsh for Adults programme 2011. A link to this was provided to the complainant in the Welsh Government's letter of 7 February 2014.
14. In addition the Welsh Government considered whether the following documents were relevant to the complainant's request, but discounted them on the basis that they were not finance reports:
 - The annual grant applications of the Welsh for Adults Centres. Targets as opposed to finance reports with a copy sent to the complainant on 18 December 2013.
 - Submission Folders and Ministerial Briefings to the Minister with regard to Welsh for Adults funding. The Welsh Government has explained that these are not finance reports and not therefore within the scope of the request. However, it confirmed that copies of these were forwarded to the complainant on 3 October 2013.
 - Feedback on grant applications.
 - Quarterly Monitoring Reports from the Welsh for Adults Centres.
 - Minutes of quarterly planning committee meetings.

- Spreadsheet of Welsh in Education Unit budget which the Welsh Government has confirmed does not discuss or consider value for money and is not a report.)
15. Based on the above explanation from the Welsh Government, the Commissioner is satisfied that it has conducted a reasonable and proportionate search of its records and that based on the balance of probabilities, that the complainant has received all relevant information falling within the scope of his request. The Commissioner has therefore concluded that the Welsh Government has complied with its obligations under section 1 (1) of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF