

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 2023

Public Authority: Sport England
Address: SportPark
3 Oakwood Drive
Loughborough
Leicestershire
LE11 3QF

Decision (including any steps ordered)

1. The complainant requested information from Sport England (SE) regarding Clubmark accreditation and applications for Coronavirus Emergency Funding (CEF). SE refused the request under section 14(1) of FOIA (vexatious request).
2. The Commissioner's decision is that the request was vexatious and therefore SE was entitled to rely upon section 14(1) of FOIA.
3. The Commissioner does not require any steps to be taken as a result of this decision.

Request and response

4. On 12 March 2023 the complainant made a request to SE in the following terms:
 - 1) "Disclose all meeting invitations, agenda, and any other materials shared (for example confirmation from the CPSU that it accepted LSCB safeguarding training) in preparation for a meeting on 20 Nov 2018 between SE Head of Clubs (HOC), Sport Structures (SS) Managing Director (MD), SS National Assessor Lead (NAL) and England Athletics (EA). Disclosure is required because SE HOC had confirmed in an email to me on 15 Oct 2018 that the position of the CPSU was to be communicated to EA at that meeting. On 16 Nov 2018 SE HOC confirmed to the CPSU that she had received confirmation of their enduring position to accept LSCB training for ClubMark and would communicate that to me and separately to England Athletics on 20 Nov 2018.
 - 2) Disclose all information related to BAC, safeguarding or the CPSU exchanged between SE HOC and SS (specifically MD or NAL) in the period 1 Sep 2018 - 15 Nov 2018
 - 3) Disclose the original document/email that contained the bullet point list that SE HOC imported into a text addressed to BAC, sent for agreement by email to the CPSU and SS on 26 Nov 2018 at 10:52
 - 4) Disclose all minutes of monthly Club Matters Project Board meetings from 1 Sep 2018 (the month in which BAC raised safeguarding concerns), until the ClubMark scheme closed
 - 5) Disclose all communication related to FOI exemptions applied to but subsequently removed by internal review related to SE ref 210240.
 - 6) Disclose all communications related to BAC between the IMT
 - 7) Disclose all communications with Warren Tucker related to BAC (if not covered in 6)
 - 8) Disclose the CEF application assessment process where it allowed for a "re-assessment" by a different assessor to the original CEF assessor instead of being referred straight to a stage-1 appeal adjudication"
5. SE responded on 12 April 2023 and stated it would not be responding to the request as it considered it vexatious under section 14(1) of FOIA. SE

stated this was in line with its position it had set out in a letter dated 28 March 2023 that any further requests relating to CEF funding and Clubmark accreditation would be treated as vexatious.

6. The complainant requested an internal review on 12 April 2023. SE responded on 3 May 2023 upholding its decision.

Scope of the Commissioners investigation

7. The focus of the Commissioners investigation is to consider whether SE were entitled to rely on section 14(1) of FOIA in its response in this case.

Reasons for decision

Section 14(1) – vexatious requests

8. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious
9. The themes the Commissioner considers when deciding whether a request can be categorised as vexatious are: the burden (on the public authority and its staff); the motive (of the requester); the value or serious purpose (of the request); and any harassment or distress (of and to staff). But those broad themes are not a checklist and are not exhaustive; the Commissioner takes into account all the circumstances in order to reach his decision.
10. SE's reasons for refusing this request as vexatious are identical to those in an earlier request refused as vexatious which is the subject of a decision notice by the Commissioner (IC-225389-N8G9).
11. In that decision notice the Commissioner found SE had correctly refused the request as vexatious. The request in that case also focused on eliciting information about SE's decision in 2019 not to award Bannister Athletic Club (BAC) with a Clubmark accreditation and an unsuccessful application for Community Emergency Funding (CEF) on three occasions in 2020.
12. The request in this case is also on the same subject matter and the Commissioner therefore finds, for the same reasons as set out in the

previous decision notice, that SE is entitled to rely on section 14(1) of FOIA to refuse this request as vexatious.

Right of appeal

13. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

14. 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.
15. 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

**Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**