



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

[REDACTED]
[REDACTED]
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Your ref: RFI 6148, 6149
Date: 31 January 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Marksman Training Providers

Thank you for your requests for information about companies undertaking marksman training, which we received on 6 January. We have handled your requests under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Following careful consideration, we have decided not to disclose some of this information.

The information you requested and the responses are given below

Request 6148

Please will you confirm the name of the company you employed to provide marksmen training for the badger cull pilots?

Defra is withholding this information under regulation 12(5)(a), relating to public safety. Releasing the details of the training provider would result in their being subjected to intimidation or harassment.

For the same reason, details of a second company that also submitted an application to supply training are also withheld.

Please also clarify if you had sight of final documents, as opposed to drafts, of all training materials before you approved their course.

Yes, Defra was kept informed of the development of training materials and had sight of finalised documents used. As you have been advised previously, Defra does not hold the finalised documents and there is no requirement for the department to do so.

Your document 'Establishing and running a badger culling training course and assessing competence: minimum course requirements' states that you require the training company to provide a report on how many courses have been run, the attendance for each, and number of attendees passing/failing/re-takes. I would like this information please.

This information is the property of the training provider and, while Defra holds this information, the training provider has not given permission for its release. This detailed information is therefore being withheld under regulation 12(5)(f), the interests of third parties. However, we can confirm that around 12 courses were run and up to 200 contractors were trained.

Request 6149

1. A copy of the Call for Tender for the badger cull marksmen training contract

There was no call for tender as such. Instead an invitation to run training courses was included in the 'Establishing and running a badger culling training course and assessing competence: minimum course requirements' document. Paragraph 3 (*'Applications to run a course'*) states:

'Applications, setting out the design of the training course should be made to Defra, and are open to all who wish to run badger culling training courses'.

Contact details were provided in the document.

2. A copy of the assessment criteria for said Call, including scoring and weighting

The training had to cover the following items to the required standard:

Legislation	Controlled Shooting
Licence Conditions	Cage Trapping and Shooting
Health and Safety	Carcase Handling
Planning and preparation	Practical Demonstrations
Badger Ecology and Behaviour	Theory Tests
Firearms Law and Safe Handling	Practical Tests
Record Keeping	

Training providers had to demonstrate that their record keeping was up to standard and course tutors were properly qualified.

The information supplied was assessed according to a scale of 1 to 4:

1 = poor; 2 = improvements required; 3 = good; 4 = excellent.

Both applicants scored at least 3 for all requirements.

3. A copy of the winning company's tender response

Two companies submitted an expression of interest and then went on to develop their documentation for assessment for review. As a result, there is no specific tender response.

4. Details of the scoring allotted to the winning tender

And

5. Details of the scoring for the second place company.

Scoring for the successful tender is contained in a submission to ministers and therefore it is withheld under regulation 12(4)(e), internal communications. For information, both applicants passed the required pass mark.

6. Details of any complaints or challenges made by applicants to the process.

There were no complaints or challenges.

The Regulations

12(4)(e) Internal Communications. Communications within Government departments and agencies are withheld to ensure freedom in policy development and delivery.

12(5)(a) Public safety. The details of the training provider are withheld as the release of their name and location would expose them to intimidation.

12(5)(f) The interests of the person who provided the information where that person: (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority; (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it, and (iii) has not consented to its disclosure.

The Public Interest Test

In applying these exceptions we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information regarding training courses for marksmen and the companies that have provided them, as there is a public interest in transparency and accountability in controversial policy areas.

On the other hand, there is a strong public interest in withholding the information around the culling of badgers which is a sensitive issue. The submission to ministers has been withheld under regulation 12(4)(e) as information should be able to pass freely between ministers and their civil servants in order to develop and deliver policies. Release of these documents, or in fact any communications within a department, would seriously impede the workings of government.

Additionally, the submission contains details of both applicants which are also being withheld. We believe that placing the details of the training provider in the public domain would expose them to harassment (regulation 12(5)(a)). During the pilot culls in 2013, there were a number of cases where companies and individuals associated with the culls were subject to threats, intimidation and harassment. It is likely that the company and its staff involved in providing marksman training would subject to the same behaviour. This would not be in the public interest, as it is not in the public interest to endanger the safety of individuals and property.

The training provider has provided the details of training courses to Defra as required. However these data are the property of the training provider and they have refused their consent for the detailed numbers to be released. Therefore Defra is obliged to withhold the information under regulation 12(5)(f).

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I have attached an Annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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