

## INFORMATION RELEASED UNDER THE FREEDOM OF INFORMATION ACT

Information released title	Investors in People accreditation of the Association of Teachers and Lecturers
Original request	<p>i) How many times has INVESTORS FOR PEOPLE reviewed ATL between 2004 and 2009?</p> <p>ii) When did this organisation review how many complaints had been made by teachers against their Union since 2004?</p> <p>iii) Has a review ever been conducted into the amount of times union representative's have had time off sick time or holiday leave taken during their client's school terms?</p> <p>iv)) Did INVESTORS IN PEOPLE ever review data held by ATL on whether this union provided best service and support when the Regional Union representatives were away from their post due to illness or holiday breaks?</p>
Date of release	11.07.2014
Requester type	Individual

### Information released:

#### **i) How many times has INVESTORS FOR PEOPLE reviewed ATL between 2004 and 2009?**

The Association of Teachers and Lecturers (ATL) was initially assessed against the Investors in People standard two times in 2009 and achieved the Investors in People accreditation on 5th January 2010. This was the first time that ATL had embarked upon the Investors in People accreditation process.

#### **ii) When did this organisation review how many complaints had been made by teachers against their Union since 2004?**

#### **iii) Has a review ever been conducted into the amount of times union representative's have had time off sick time or holiday leave taken during their client's school terms?**

#### **iv) Did INVESTORS IN PEOPLE ever review data held by ATL on whether this union provided best service and support when the Regional Union representatives were away from their post due to illness or holiday breaks?**

As you may be aware, there are occasions when a public authority can neither confirm nor deny that they hold the information. This can be based on procedural grounds or as in this case, to simply disclose whether we hold that information can reveal information that falls under an exemption under the Freedom of Information Act.

In response to questions (ii), (iii) and (iv), the UK Commission can neither confirm nor deny that it holds the information you requested. In coming to this decision we have taken account of theoretical considerations about the consequences of confirming or denying that these particular types of information – on complaints, availability of representatives service provision and service and support – is held. We have concluded that the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- *Section 41 – Information provided in confidence*
- *Section 43(2) – Commercial interests*

Please note that this should not be taken as an indication that the information you requested is or is not held by the UK Commission.

***Section 41 – Information provided in confidence***

*Information is exempt information if it was obtained by the public authority from any other person (including another public authority and, the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

As you may be aware, Investors in People assessments are carried out by private organisations, who have obtained a licence from the UK Commission to enable them to operate as Investors in People Centres. Our licence between the UK Commission and Investors in People South, the Centre which carried out the assessment of ATL, stipulates that both parties have an obligation to not disclose customer information that is of a confidential nature. Moreover, beyond these standard established parameters, this Centre also holds an agreement with its customers pertaining to confidentiality.

Confirming or denying whether the requested elements of the assessment report exist would amount to an actionable breach of confidence. It would amount to a breach of both the terms and conditions of the agreement held between the UK Commission and Investors in People South and those specific terms and conditions of the agreement held between Investors in People South and ATL.

***Section 43(2) – Commercial interests***

*Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). NB – A person may be an individual, a company, or any other legal entity.*

The reason that Section 43(2) is engaged relates both to the commercial interests of ATL and other Investors in People-accredited organisations and to those of the UK Commission itself.

Confirming or denying the existence of information relating to complaints, provision of service and support and the availability of organisations' members, employees or representatives, would prejudice the ability both of organisations assessed against the Investors in People Standard, and the UK Commission as the owner of that standard, to compete fairly in their respective markets.

With regards to organisations engaging with the Investors in People standard, a report prepared as part of the accreditation is specifically relevant to that organisation. The commercial interests of any such organisation are likely to be harmed by confirming whether or not we hold the information requested. Were it to be the case (which we cannot confirm) that we hold any data pertaining to the performance of trade union representatives, complaints, service and support about this or another organisation, a confirmation that this was the case could lead to unfair or unjustified adverse comment and speculation. It could damage ATL's reputation and the confidence that members may have in it and cause similar prejudice to organisations that are the subject of any future requests.

Furthermore, whilst confirming or denying the presence of such information may prejudice the commercial interests of Investors in People customers, it is also likely to prejudice those of the UK Commission itself. Guidance from the Ministry of Justice defines 'commercial' as follows:

An activity in the way of a business, trade or profession [...] [T]he exemption is expressly capable of applying not only to the commercial interests of outside organisations, but also to a public authority's own commercial interests. When it comes to considering a public authority's own interests, a range of circumstances may be relevant, including the authority's position in the market place both as a purchaser and as a supplier.

As a supplier of a people management standard, we believe that stating whether or not we hold the requested information may undermine the UK Commission's position in a competitive environment. Irrespective of whether or not we hold the requested information, confirming or denying this fact would create a threat of disclosure of any Investors in People customers' commercially sensitive information. This threat would damage the confidence that customers have in the UK Commission and in the Investors in People standard. This would impact on customer acquisition and retention rates and translate into a significant impact on revenue.

We have weighed the prejudice caused by possible disclosure against the likely benefit to the wider public. We recognise that there is a public interest in ensuring that the UK Commission is accountable and transparent in its role as guardian of the Investors in People Standard and framework and in its duty to ensure continued high standards through the licensing of regional and national delivery centres across the UK. However, we also recognise that there is a strong public interest in maintaining the confidentiality of the arrangements between the accredited organisations acting in a competitive commercial environment and their customers. We have come to the conclusion, therefore, that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing the information.