
INFORMATION RELEASED UNDER THE FREEDOM OF INFORMATION ACT

Information released title	Investors in People accreditation evidence
Original request	Please could you disclose all evidence collected as part of the University of Bath Department of Accommodation and Hospitality silver status [IIP] accreditation process.
Date of release	06.01.2015
Requester type	Individual

Information released:

Your response has been generated by the UK Commission for Employment and Skills (UKCES). In April 2010, ownership of the Investors in People (IIP) framework and brand moved from Investors in People UK to the UK Commission for Employment and Skills. We are now responsible for developing and maintaining the integrity of the Investors in People framework.

By way of background, IIP assessments are carried out by Specialists on behalf of IIP Centres. IIP is delivered throughout the UK and internationally under licence by Investors in People Centres. These are licensed and quality assured by UKCES to manage IIP advice and assessment services. In the case of the IIP assessment of the University of Bath Accommodation and Hospitality Services, this was conducted by a Specialist on behalf of IIP South of England.

This accreditation process determined whether the Accommodation and Hospitality Services met the evidence requirements contained within the IIP Standard. Information gathered during this process takes two main forms:

1. The recorded evidence gathered by the Specialist during their detailed on-site visit, in order to make a judgement about how its policies and practices contribute to the outcomes required by the Standard.
2. The assessment report documenting feedback and outlining how the organisation meets the requirements of the Standard.

As you are aware, the Accommodation and Hospitality Services achieved the IIP accreditation at Silver level in November 2014. This outcome, based upon a comprehensive analysis of all the evidence gathered, was communicated to the department at a formal feedback meeting in 2014. An assessment report is now being finalised and will be shared with the department by the end of January 2015.

Therefore, in response to your request, with the on-site visit now complete but the assessment report still in production, I can confirm:

- That UKCES holds evidence gathered during the Specialist's on-site visit to the Accommodation and Hospitality Services, as part of its IIP accreditation process. However, we are withholding the information since we consider that the exemptions under sections 41 and 43(2) apply to it.

- That UKCES does not yet hold the IIP assessment report for the Accommodation and Hospitality Services. If you wish for UKCES to consider your request for access to this report, please submit your FOI request after the end of January 2015, when we anticipate that this information will be held. You can make a FOI request to UKCES via email to: info@ukces.org.uk or by post to:

Freedom of Information team
UK Commission for Employment and Skills
Renaissance House
Adwick Park
Wath-upon-Dearne
S63 5NB

Please quote FOI 099 in any correspondence to the Freedom of Information team.

The remainder of our response therefore concerns the recorded evidence gathered by the Specialist during their on-site visit to the Accommodation and Hospitality Services. It explains in detail how UKCES considered all the circumstances in question in concluding that certain exemptions should be engaged.

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 described above, the IIP assessment of the University of Bath Accommodation and Hospitality Services was carried out on behalf of IIP South of England. Our licence between the UK Commission and Investors in People South 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.

In relation to UKCES' obligation of confidence, as you may be aware, a duty of confidence arises when a confidant is provided with information by the confider in the expectation that the information will only be used or disclosed in accordance with the wishes of the confider. In ascertaining whether an obligation of confidence has arisen in a particular case, the Information Commissioner's Office (ICO) advises that public authorities take account firstly of the circumstances under which information was provided to the authority and secondly of the nature of that information.

In terms of the circumstances under which the information was provided, each employee participant in the Accommodation and Hospitality Services IIP accreditation process was assured that evidence provided would be handled confidentially. At the beginning of any evidence gathering sessions (such as confidential interviews), the IIP Specialist would have reinforced their role in protecting any information that is shared with them.

It is also our view that the evidence has the necessary "quality of confidence". Preserving confidentiality is essential for UKCES to allow it to uphold relations and trust with organisations on their IIP journey.

There are several other factors that UKCES has taken into consideration in determining that the information is protected from disclosure by an obligation of confidence. It does not have consent from

the University of Bath Accommodation and Hospitality Services to disclose the information. In addition, disclosure of the information would give rise to an actionable breach of confidence. Finally, we have reflected on the public interest as required by the test of the common law duty of confidentiality. We have weighed up the public interest in disclosure against both the wider public interest in preserving the principle of confidentiality and the impact that disclosure would have on the interests of the confider. We have concluded that the confidences of employees participating in the IIP accreditation process must be respected in order to maintain trust and integrity in Investors in People. Undermining such relationships would be at odds with our goal of helping businesses realise the potential of their people through IIP.

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 University of Bath Accommodation and Hospitality Services and to those of the UK Commission itself.

With regards to the Accommodation and Hospitality Services, the commercial interests of this organisation are likely to be harmed by disclosing the information requested. It could damage its reputation and the confidence that students, staff and other potential customers may have in it.

Furthermore, whilst disclosing the information may prejudice the commercial interests of the Accommodation and Hospitality Services, 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 releasing the requested information may undermine the UK Commission's position in a competitive environment. It 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 UKCES 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 UKCES 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 an accredited organisation such as the University of Bath Accommodation and Hospitality Services and UKCES. Both are acting in a competitive commercial environment and the latter is also acting through IIP to help accredited organisations realise the

potential of their employees. We have concluded, therefore, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.