

PART 2 – CONFIDENTIAL FACTS AND ADVICE

MD2634

Title: Update to AEB Grant Allocations

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.

This information is not suitable for publication until the stated date because:

Part 2 is restricted as it contains information that was provided in confidence. Release of such information may impact upon the GLA's ability to properly deliver the Adult Education Budget (AEB).

Date at which Part 2 will cease to be sensitive or when this information should be reviewed with a view to publication:

Part 2 is restricted until it is determined that the Ofsted report referred to below has been issued.

Appendices A and B are reserved until October 2020 at which point possible publication will be reviewed.

Legal adviser recommendation on the grounds for not publishing information at this time:

In the event of any request for access to the information contained in this document under section 1 of the Freedom of Information Act 2000 ("the Act"), it is considered that access can be denied on the basis that certain information contained in this document is believed to have been provided in confidence and therefore is covered by the exemption under section 41 of the Act.

Section 1 of the Act creates the general right of access, which provides that any person making a request for information to a public authority is entitled:

- to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- if that is the case, to have that information communicated to him/her.

Part II of the Act contains a number of exemptions from disclosure for certain classes of information. In particular:

- section 41 of the Act provides that information is exempt information if (i) it was obtained by the public authority from any other person, (ii) its disclosure would constitute a breach of confidence, (iii) a legal person could bring a court action for that breach of confidence and (iv) that court action would likely succeed. Paragraph 1.1 of the report below states that an Ofsted report has been shared with the GLA in confidence. The GLA considers that, as the report relates to a provider being issued with an inadequate rating, early disclosure of this information by the GLA would be to the detriment of the confider.

The section 41 exemption is an absolute exemption.

The eligibility of these exemptions should be reassessed in the event of an FOI request for this information as the level of sensitivity will change over time and different circumstances may alter the arguments in favour of non-disclosure.

Legal Adviser - I make the above recommendations that this information is not suitable for publication at this time.

Name: Emma Brookman, TfL Legal

Date: 13 May 2020

Once this form is fully authorised, it should be circulated with Part 1.

Decision and/or advice:

1 Issues for Consideration

Skills for Londoners Innovation Fund

- 1.1 Following Mayoral approval of the Innovation Fund under MD2581, one of the successful applicants, the London Borough of Richmond Upon Thames, was issued with an inadequate Grade 4 Ofsted rating. This Ofsted rating and related report is confidential and has yet to be published. The Innovation Fund Prospectus had stated that any providers rated as Inadequate by Ofsted would not be permitted to apply to the fund. On this basis, the award of a £100,000 Innovation Fund allocation to the London Borough of Richmond will be withdrawn. This reduces the total number of projects to 27, and total project funding awarded through the SfL Innovation Fund to £7.2 million. A summary of London Borough of Richmond's allocation for 2020/21 is given in Appendix B.

2 Risks arising / mitigation

- 2.1 The withdrawal of the allocation described at paragraph 1.1 has been agreed with the borough. No further risks have been identified regarding the above.