



Education & Skills  
Funding Agency

Education and Skills Funding Agency  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

Reference: IR 2019-0010866/0010867

29 May 2019

Sent via email – [request-566862-c011954f@whatdotheyknow.com](mailto:request-566862-c011954f@whatdotheyknow.com)

Dear Ms Downs,

I refer to your request for an internal review, which was received on 10 May 2019. You requested:

*I am writing to request an internal review of Department for Education's handling of my FOI request 'Loans to academy trusts to stabilise their finances in financial year 2018/19'.*

*There is a precedent for releasing information about loans given to academy trusts in any financial year. The DfE has published details of such loans for financial years 2016/17 and 2017/18. There is, therefore, no reason why this information should not be released for financial year 2018/19.*

*I understand your response also covers your FOI response re grants to academy trusts in 2018/19. It would make sense, therefore, for you would consider both FOI responses in the internal review. I did not make this clear in my review request for your handling of the request to disclose grants.*

*A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/loans to academy trusts to stabi](https://www.whatdotheyknow.com/request/loans%20to%20academy%20trusts%20to%20stabi)*

The Department has now completed its internal review process and has carried out a thorough review of the case, chaired by a senior official who was not involved with the original request. The Department has decided to uphold the original decision not to disclose the information concerned, for the same reasons set out in the letter of 09 May 2019, that disclosure has the potential to prejudice the work of the ESFA.

In response to the points in your review request, the Freedom of Information Act 2000 requires that for each individual freedom of information request, the public interest should be considered in the context of that request and the circumstances at the time of receipt. The historic release of similar information, therefore, should not be taken into account as a precedent when undertaking a public interest test.

The Chair of the review panel concluded that, when considering the public interest in this case, the timing of the request was a paramount factor that had to be considered. With work ongoing to support trusts in receipt of funding to recover their finances, the greater public interest must lie in not prejudicing our work to preserve education provision and maintain a safe space in which to engage with those trusts on live financial issues.

Further to this, the Chair noted that the ESFA has a transparent mechanism for setting out where trusts are under formal intervention and the work the ESFA is engaged in with them,

in the form of a Financial Notice to Improve. These notices are [available online](#) and will set out deficit funding that has been, or is about to be, provided.

More broadly, the Department is committed to transparency in the sector and a number of publications are available about the financial health of academy trusts. The Department publishes [academies consolidated annual reports and accounts](#) and has made available a [financial benchmarking service](#), which allows schools and trusts to compare their spending and staffing structures with similar institutions. The data on which the financial benchmarking service is built is also available [here](#). Finally, trusts are required to produce and publish annual audited accounts, which are available on trusts' websites and through the [Companies House website](#).

If you are unhappy with this decision, you have the right to appeal directly to the Information Commissioner. The Information Commissioner can be contacted at:

The Case Reception Unit  
Customer Service Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Further information about the Information Commissioner's complaints procedure can be found on the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/complaints/>

Yours sincerely,

p.p.



Lindsey Henning/Emily Simons  
Deputy Director, Policy, Operational performance and Strategy