

## **Freedom of Information Act 2000 (FOIA)**

**Date:** 9 January 2024

**Public Authority:** Department for Education  
**Address:** Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

### **Decision (including any steps ordered)**

---

1. The complainant has requested information in relation to Skills Bootcamps provided by a named company in partnership with the Department for Education (DfE). The DfE provided answers or information in response to all but three parts of the request which it refused under section 22 of FOIA.
2. The Commissioner's decision is that the DfE is entitled to rely on section 22 of FOIA to withhold the information at parts 2, 12 and 13 of the request. The Commissioner does not require any steps to be taken by the DfE.

### **Request and response**

---

3. On 25 April 2023 the complainant wrote to the DfE in relation to courses or bootcamps provided by HyperionDev and funded by the UK government. The complainant requested information in the following terms (numbered for ease of reference):
  - "1. How many students have enrolled on the HyperionDev UK government bootcamp in total?
  2. How many students completed the HyperionDev UK government bootcamp to date?
  3. How many places did the UK government allocate for funding

through a HyperionDev bootcamp?

4. How much money, to date, has HyperionDev been paid by the UK government in total?

5. What is the maximum amount of budget that the UK government has earmarked, or put aside, to pay to HyperionDev?

6. How many complaints, in total, has the Department for Education received about HyperionDev bootcamp?

7. How many of those complaints involved concerns about how participants' data was being handled?

8. What does the Department for Education's system, for addressing complaints about HyperionDev, entail? (please provide a description of the process)

9. What did the competitive process for selecting HyperionDev as a bootcamp provider involve? (please provide a description of the process)

10. Did the UK government pay any universities to partner with HyperionDev to provide the training, if so which ones and how much?

For 'Wave Three' Delivery specifically concerning the HyperionDev bootcamps funded by the UK government:

11. How much money has been paid to HyperionDev, so far, for the students' commencement of training (i.e. payment milestones 1=45% of the total amount)

12. How much money has been paid to HyperionDev, so far, for students' completion of the training programme (i.e. payment milestone 2=35% of the total amount)

13. How much money has been paid to HyperionDeve, so far, for the achievement of a "positive outcome" for a learner, such as a new job (i.e. payment milestone 23=20% of the total amount)

14. How much money has been allocated to HyperionDev, so far, for the students' commencement of training (i.e. payment milestones 1=45% of the total amount)

15. How much money has been allocated to HyperionDev, so far, for students' completion of the training programme (i.e. payment milestones 2=35% of the total amount)

16. How much money has been allocated to HyperionDev for the achievement of a “positive outcome” for a learner, such as a new job (i.e. payment milestone 3=20% of the total amount).”
4. The DfE responded on 28 June 2023. It pointed out that CoGrammar is the supplier of HyperionDev Skills Bootcamps and answered some parts of the request, refusing other parts under section 43(2) of FOIA.
  5. Following an internal review the DfE wrote to the complainant on 18 August 2023. It answered parts 1, 3 and 6-10 of the request. The DfE stated it was withholding information in relation to parts 2, 4, 5 and 11-16 under section 43(2) of FOIA.

### **Scope of the case**

---

6. The complainant contacted the Commissioner on 29 August 2023 to complain about the way their request for information had been handled.
7. During the course of the Commissioner’s investigation the DfE revised its position. It explained it had become aware some of the information relating to contract value could be put together from other sources so this information could now be disclosed. Answers and information were then given to several of the parts of the request with only parts 2, 12 and 13 remaining unanswered.
8. For these parts the DfE revised its position and advised the information was being withheld under sections 22 and 36(4) of FOIA.
9. The Commissioner considers that the scope of his investigation is to determine whether the DfE has correctly applied either of these exemptions to withhold the remaining information.

### **Reasons for decision**

---

#### **Section 22(1) – information intended for future publication**

10. Section 22(1) of FOIA says that information is exempt information if:
  - (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether or not),
  - (b) the information was already held with a view to such publication at the time when the request for information was made, and

- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).
11. Section 22 is a qualified exemption which means it is subject to the public interest test.
  12. For the exemption in section 22 to apply, the public authority must have a settled expectation that the information will be published at some future date – even if no precise date is set.
  13. The DfE has explained that Skills Bootcamps are free courses giving people opportunities to build up sector-specific skills, with an offer of a job interview on completion. Training is designed and delivered in partnership with employers. There are over 1000 Skills Bootcamps across the country.
  14. The DfE has explained that Skills Bootcamps have grown rapidly since launching in 2020, increasing from 2,800 starts in 2020/21 to 36,000 in 2022/23.
  15. The Commissioner understands that CoGrammar is a technology education provider that provides online coding learning. The DfE and CoGrammar, in partnership, offer enrolments on a government-funded online coding bootcamp. The end result is a non-degree certificate from HyperionDev and some limited certifications issued in partnership with Universities.
  16. The DfE states that all the information it has not disclosed will be published in due course. This information is the number of students who have completed the HyperionDev bootcamps to date, how much money has been paid to HyperionDev so far for students completion of the programmes and for achieving 'positive outcomes' for learners such as new jobs.
  17. The DfE states this information will be part of a set of information relating to all suppliers and this set of information will also provide final enrolment and completion numbers. At the time of the request, and during the Commissioner's investigation, the information had not been validated or quality assured and the DfE considered pre-empting publication could be misleading and provide an inaccurate picture of the programme and the providers delivering it.
  18. The DfE confirmed to the Commissioner it intended to publish the information in July 2024 once the validation process was complete. The DfE advised it had an intention to publish the information prior to the request being received.

19. As a precise date for publication is not needed to engage section 22, simply a settled intention to publish at the time of the request, which the DfE has stated existed, the Commissioner finds it is reasonable for the DfE to rely on this exemption.

#### Public interest arguments in favour of disclosure

20. The DfE recognises the general public interest in openness and transparency. Release of information about the numbers of learners benefitting from the programme would enable the public to understand whether it is effective, and in turn increase public trust and understanding of Government workings and policies. The DfE considers it has demonstrated its commitment to evaluating Skills Bootcamps with the provision and publication of reports covering starts, completions and outcomes data for each cohort.
21. The complainant's arguments for disclosure centre around concerns that CoGrammar are based abroad and have no UK oversight or regulation. The complainant states they have case studies showing the online training is not fit for purpose. Alongside this the complainant has found examples of bad reviews on TrustPilot and an example of the Advertising Standards Agency warning HyperionDev about misleading practices.
22. All of this leads the complainant to question the use of CoGrammar as a partner when UK government funds are changing hands.
23. The complainant believes there is a public interest in knowing how much taxpayers' money is being sent to "unregulated" bootcamps particularly when a misuse of public funds is alleged. It's argued the release of the information would enable individuals to take better decisions for their own welfare. Particularly if there are alleged claims of previous emotional, psychological or financial harm.

#### Public interest arguments in favour of maintaining the exemption

24. The DfE argues that early disclosure of unvalidated and incomplete information would be likely to create disruption of its planned release. The DfE states it will be publishing validated starts, completions and outcomes data in due course, which will provide a more accurate picture of the effectiveness and impact of the programme. It will enable assessments of the benefits of the programme, and of value for money, to be better informed and more accurate, and allow the programme, and its effectiveness, to be accurately assessed by the public.
25. It argues the information currently available for this supplier (and, indeed, the majority of suppliers) is only a partial picture. This could be used to compare and misconstrue performance, and any explanation or caveat could be lost in this process. The impact of this could be to shake confidence in the effectiveness of the programme, and could put off

potential learners from future enrolment, to the detriment of the programme and learner's life chances.

26. The DfE also believes early publication of delivery information could impact its relationships with stakeholders if is publishing unvalidated data for a single stakeholder outside of its publication regime that could potentially misconstrue their standard of performance. This would undermine trust as the DfE would be putting them at an unfair disadvantage compared to other suppliers. It would therefore not be in the public interest to disclose this information as a positive relationship with suppliers is paramount for providers to be able to effectively deliver training. It could also deter future providers from entering the programme if they felt early release could lead to their reputation being unnecessarily and unfairly damaged through such premature releases.
27. The DfE has also made arguments relating to CoGrammar's position in the market and the detriment to it of early publication. The DfE considers it's in the public interest for as many high quality providers as possible to want to offer opportunities to future learners and driving any providers out of the market and discouraging others from participating in the future would not be in the public interest. Early publication of completions information could impact learner numbers if suppliers are discouraged to bid to deliver Skills Bootcamps based on incomplete, unvalidated performance data potentially negatively impacting their professional reputations.

#### Balance of the public interest arguments

28. The Commissioner recognises the public interest in openness and transparency. He accepts that there may be public interest in full transparency around Skills Bootcamps to allow for public scrutiny of the courses and how tax payer money has been spent. This is particularly so where there are question marks over a providers conduct, although the Commissioner must stress he passes no opinion on whether allegations of misconduct hold any merit. The key issue though is whether disclosing the specific information in this case before the publication date will further the public interest in this matter. On this point the Commissioner is unconvinced that knowing how much money has been paid out for hitting certain milestones when the dataset is incomplete would add to the public understanding in how effective HyperionDev bootcamps are and whether they are operating appropriately.
29. The DfE has argued the information is incomplete and could be misleading. The Commissioner is usually likely to dismiss arguments relating to misleading information as it can be caveated or explained when and if a disclosure is made. However, in this case there is some weight to this argument. The request asks for incomplete information ie numbers of students who've completed courses to date and how much

money has been paid for students who've completed the programme or found a job on completion.

30. Disclosure of this information prematurely would be likely to be misleading if it is incomplete as it may show that no students have completed the course at the time of the request or that no positive outcomes have occurred as the information is not complete. As such there is weight to the argument this would not be in the public interest as it could indicate the Skills Bootcamp has been unsuccessful when this may not be the case. When the dataset is complete and published at the appropriate time, this will allow learners to make decisions about bootcamps with the full information about a bootcamps successfulness.
31. On this basis the Commissioner finds the public interest favours maintaining the section 22 exemption and allowing the information to be published in July 2024 in line with the DfE's intention.

## Right of appeal

---

32. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

33. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

34. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Jill Hulley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**