



Scottish Information
Commissioner
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Decision Notice 185/2025

College funding

Authority: City of Glasgow College
Case Ref: 202300540

Summary

The Applicant asked the Authority for information about certain classes of funding. The Authority informed the Applicant that it did not hold the information requested. The Commissioner investigated and was satisfied that the Authority did not hold the information requested.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 17(1) (Notice that information is not held); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 22 January 2023, the Applicant made a request for information to the Authority. He asked:
 - “1. How much DPG18/Price Group 5 funding has the college received since the merger in 2010.
 - a. How was this funding spent?
 - b. Give a breakdown of the DPG18/Price Group 5 funding per department.
 - c. Is the money ring-fenced? (In other words, is the money strictly spent on ASN courses/support? If not, why not?)
2. What is the difference between DPG18/Price Group 5 funding and money spent on ASN courses/support?”

2. For background, DPG18 and Price Group 5 both refer to funding for students with complex needs, while ASN stands for additional support needs.
3. The Authority responded on 17 February 2023. It issued the Applicant with a notice, in terms of section 17(1) of FOISA, that it did not hold the information requested. It explained that:
 - the Scottish Funding Council (SFC) introduced the “Credit-based funding methodology principle in 2015 with a phased introduction from 2015/2015”. Due to the negative impact of this proposed methodology across the college sector, “the SFC never implemented or allocated college funding based on this methodology”
 - the Authority annually supported numerous specific groups that are within the DPG18/Price Group 5 definition and that the cost of delivering these DPG18/Price Group 5 courses “exceeds the notional SFC funding”
 - in relation to question 1 of the Applicant’s request, the Authority’s “main teaching grant is linked to volume of credit delivery, not individual price groups”
 - in relation to the rest of the questions in the Applicant’s request, the Authority was not in receipt of specific DPG18/Price Group 5 funding, and it therefore could not provide the information requested.
4. On the same day, the Applicant wrote to the Authority requesting a review of its decision as he disagreed with the Authority’s response. He stated that he was dissatisfied with the decision because:
 - the Authority stated that the cost of delivering these DPG18/Price Group 5 courses “exceeds the notional SFC funding”, yet it also said that its “main teaching grant is linked to volume of credit delivery, not individual price groups” and therefore a “breakdown of spending cannot be provided”. The Applicant argued that unless the Authority was stating that there was no such thing as Price Group 5 funding, what the Authority said made no sense
 - the Authority said that DPG18 funding was superseded by Price Group 5 funding in 2015/2015. The Applicant noted that his request was for a breakdown of funding since the merger in 2010 and that the Authority must be able to provide such a breakdown.
5. The Authority notified the Applicant of the outcome of its review on 15 March 2023, which upheld its original decision with a minor modification. It reiterated that while it supported numerous specific groups that are within the DPG18/Price Group 5 funding, it had “not received any specific funding for courses categorised as Price Group 5 funding”. Instead, this delivery was funded through the Authority’s main teaching grant.
6. The Authority explained that, prior to the introduction of the Credit model in 2015/2016, it did receive funding associated with DPG18. However, this was over nine years ago, and the data required to produce the information requested by the Applicant was now “unavailable”. It stated that it was therefore not possible to provide a breakdown of spending or funding per department, there was no specific funding to ring fence, and no comparison could be made between DPG18/Price Group 5 funding and money spent on ASN courses or support.
7. On 28 April 2023, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority’s review because he did not believe that the Authority did not hold the information requested.

Investigation

8. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
9. On 1 May 2023, and in line with section 49(3)(a) of FOISA, the Commissioner gave the Authority notice in writing of the application and invited its comments.
10. The case was subsequently allocated to an investigating officer.
11. During the investigation, the investigating officer sought further comments from the Authority regarding how it established that it did not hold the information requested. The Authority provided these further comments.

Commissioner's analysis and findings

12. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Whether the Authority held the information requested

13. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.
14. The information to be given is that held by the authority at the time the request is received, as defined by section 1(4). This is not necessarily to be equated with information an applicant believes the authority should hold. If no such information is held by the authority, section 17(1) of FOISA requires it to give the applicant notice in writing to that effect.
15. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
16. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. Ultimately, however, the Commissioner's role is to determine what relevant information is actually held by the public authority (or was, at the time it received the request).

Information from 2015-2016 onwards

17. The Applicant submitted that the Authority had already mentioned that the information requested existed. Regarding information following the change in funding methodology, he explained that he believed that the SFC would require the Authority to report on funding received for DPG18/Price Group 5.
18. The Authority explained that it had discussed the Applicant's request with senior members of its corporate and finance teams who confirmed that it had received no funding of this sort

since an update to the SFC's methodology in 2015/2016. SFC funding for teaching was instead received by the Authority as follows:

"... as a single teaching grant that is linked to a total Credit volume. All Credits are funded equally and there is no identifiable allocation in relation to one particular Price Group."

19. Consequently, the Authority confirmed that it held no information that would address the Applicant's request from the 2015/2016 academic year onwards.
20. The Authority also confirmed that the grant funding it received from the SFC is not "ring-fenced by Price Group". By this, it explained that the SFC did not specify how many credits should be used by the Authority to deliver any Price Group. It also explained that it did not receive the "actual" price per credit for activity delivered in each Price Group. Instead, it received the allocated grant regardless of how many credits are delivered under each Price Group.

The Commissioner's view

21. While the Authority referred to "notional" DPG18/Price Group 5 funding in its initial response, the Commissioner recognises "notional" is generally understood to mean hypothetical (i.e. not existing in reality). He therefore does not consider the Authority's reference to "notional" funding to demonstrate the existence of any real funding that corresponds to the Applicant's request. He accepts that the Authority has been consistent in its position that at the time of the request it did not receive funding of this sort and that the funding it previously received stopped around 2015/2016.
22. The Commissioner notes the Authority's explanation that the SFC does not make spending on DPG18/Price Group 5 a condition of funding. In the absence of such a condition and in view of the submissions he has received from the Authority, the Commissioner is unaware of any reason to consider any specific funding received by the Authority from the SFC to be for DPG18/Price Group 5.
23. Although the Applicant expressed his belief that the SFC would receive reports on this funding, the Commissioner can see no indication in the [guidance](#)¹ that the SFC provides to colleges or from the submissions he has received from the Authority that the SFC expects or requires any such reports. While he recognises that the Applicant considered that the Authority should hold the information requested, whether a public authority should hold information which it does not hold is not a matter for the Commissioner to decide.
24. In the circumstances, the Commissioner is satisfied, on the balance of probabilities, that the Authority does not (and did not, on receipt of the request) hold any information, from the 2015/2016 academic year onwards, falling within the scope of the Applicant's request. He therefore finds that the Authority was correct to give notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Information prior to 2015/2026

25. Regarding information prior to the change in funding methodology, the Applicant commented that he did not believe that the Authority would not have retained this information.
26. The Authority confirmed that it had received some funding matching this description prior to the 2015/2016 academic year. While it had not retained most of these records, it confirmed

¹ <https://www.sfc.ac.uk/publications/student-support-funding-audit-guidance-2023-24/>

that it still held records for the 2014/15 academic year from which it might be possible to derive some elements of the information requested.

27. However, the Authority submitted that to generate this information would require a level of understanding of the historical funding methodology that current staff did not possess. It said that training, potentially from the SFC, would be necessary to equip staff with the relevant knowledge.
28. The Authority anticipated that any figure related to funding would be a derived value from the total SFC grant, rather than data already held in that specific form. In addition, any analysis would need to reflect the Authority's structure and provision as it stood in 2014/15, which has since been significantly altered due to organisational changes in 2018 and 2023.

The Commissioner's view

29. In [Decision 210/2013](#)², the Commissioner established (at paragraph 14) that a public authority will hold information if holds the "building blocks" to generate the information and no complex judgement is required to produce it. On balance, he considers that the Authority holds the "building blocks" to produce the information requested for the 2014/2025 academic year.
30. However, the Commissioner is satisfied that, given the Authority's explanation and the passage of time (which he considers would substantially complicate the process), to produce the information requested by the Applicant would require skill and complex judgement.
31. In the circumstances, the Commissioner is therefore satisfied that the Authority does not (and did not, at the time of the request), for the purposes of FOISA, hold the information which would address the Applicant's request.
32. While the Applicant may have believed and expected the information requested to be held by the Authority, the Commissioner is satisfied that this was not the case. As stated above, whether a public authority should hold information which it does not hold is not a matter for the Commissioner to decide.
33. The Commissioner therefore concludes that the Authority was correct to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Decision

The Commissioner finds that the Authority complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

² <https://www.foi.scot/decision-2102013>

Cal Richardson
Deputy Head of Enforcement

28 July 2025