

7 February 2022

CITB
Head Office
Sand Martin House
Bittern Way
Peterborough
PE2 8TY

Email: information.governance@citb.co.uk
www.citb.co.uk

Dear [REDACTED]

Freedom of Information Request: 392021

Thank you for your email request received by CITB on 9 January 2022.

Your request has been considered in accordance with the requirements of the Freedom of Information Act 2000 (“FOIA”).

CITB’s response to your request is as follows:

Q1. Has the CITB and NOCN come to an agreement on the concerns raised by NOCN on the CPCS product purchase?

Yes.

Q2. If there was an out of court settlement by how much (£) was NOCN reimbursed to offset the original purchase price of the CPCS product?

CITB neither confirms nor denies that it holds the information requested. The duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of section 32(3) (court records), section 42(2) of that Act (legal professional privilege) and section 43(3) of that Act (commercially sensitive information). Section 42 and 43 are qualified exemptions and CITB confirms having considered the public interest its decision is to maintain those exemptions. This should not be taken as an indication that the information you requested is or is not held by us.

Q3. If the CITB settled the litigation out of court with a lump sum, was that amount taken from levy payers' funds?

CITB neither confirms nor denies that it holds the information requested. The duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of section 32(3) (court records), section 42(2) of that Act (legal professional privilege) and section 43(3) of that Act (commercially sensitive information). Section 42 and 43 are qualified exemptions and CITB confirms having considered the public interest its decision is to maintain those exemptions. This should not be taken as an indication that the information you requested is or is not held by us.

Q4. Did the CITB admit full or partial liability in the claims made by NOCN?

CITB holds the information requested and we refer you to the link to the publicly released statement included in response to question 6.



Q5. What was the total cost for fees incurred by the CITB in the legal action with NOCN?

The total legal fees incurred by CITB were £59,757.10 (inclusive of VAT of £8,266.60 and Court fees of £10,000).

Q6. Will the CITB be making a full statement to the construction industry on how they have reached any settlement with NOCN over the CPCS product sale and give some assurances that this incident will not impact on NOCN's ability to continue to improve its scheme?

We confirm that the parties have released a joint statement in relation to this matter and this statement can be found in Construction News by clicking on the link provided <https://www.constructionnews.co.uk/skills/citb-settles-skills-card-legal-dispute-01-02-2022/>.

If you are unhappy with this response, or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied, then you may apply for an independent internal review by contacting Adrian Beckingham, Corporate Performance Director, CITB, Sand Martin House, Bittern Way, Peterborough, PB2 8TY or email adrian.beckingham@citb.co.uk.

If you remain unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Further details of the role and powers of the Information Commissioner can be found on the Commissioners website: <https://ico.org.uk/>

Yours sincerely

Jonathan Francis
Information Risk & Data Governance Manager