



14 June 2019

CITB
Head Office
Bircham Newton
Kings Lynn
Norfolk
PE31 6RH

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

Freedom of Information Request 13/2018

Thank you for contacting CITB requesting information under the Freedom of Information Act 2000 (FOIA). In the request dated 12 June 2019, you asked:

1. If a company cannot afford to pay CITB levy and has taken levy contribution from self-employed sub-contractors against their will can CITB lawfully accept levy from said contractor making payment due?
2. What is CITB policy on handling stolen monies paid to them in the guise of levy contributions from contractors who cannot afford to pay unless deductions are taken from self-employed?

My response is as follows:

1. This is not a request for information which can be responded to under the Freedom of Information Act.
2. CITB does not have such a policy to release under the Freedom of Information Act.

I would refer to our response to previous questions under the Freedom of Information Act regarding this subject which was sent to you in November 2018.

As we stated in that letter that whilst the practice of passing on the levy is not something which CITB condones, the CITB (or indeed any other parties such as HMRC) has no power to intervene when notified that passing on is taking place.

The practice of passing on the Levy is purely a main contractor's way of raising the funds to pay their own Levy assessment. If an agreement between two parties exists for deductions to be made then the practice between them is lawful and no 3rd party has the power to intervene. If no such agreement exists the practice may be unlawful and where notified that passing on is taking place CITB would recommend that the sub-contractor takes independent legal advice.

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, Bircham Newton, King's Lynn, Norfolk, PE31 6RH 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

Rachel Brooks
Information Risk and Data Governance Manager