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South
Freshford House
Redcliffe Way
Bristol
BS1 6NL

Telephone: 08456 404040
Fax: 08456 40 40 49
Email: enquiries@ofsted.gov.uk
Web: www.ofsted.gov.uk



7 July 2009

William Thackeray
Sent via request-13172-
2a14caa5@whatdotheyknow.com

Our Reference ndt FOI 0906-34

Dear Mr Thackeray

Your request for information

Thank you for your email which was received by Ofsted on 9 June 2009. You have requested internal communications relating to Greenfields School (East Sussex)/Greenfields Educational Trust for the past five years.

We have dealt with your request in accordance with the Freedom of Information Act 2000 (FOIA).

Under the FOIA, Ofsted is under a duty to provide you, as a member of the public, with all the information you have requested, provided it is not 'exempt' information. The FOIA provides for circumstances in which information is 'exempt' and therefore does not have to be provided in response to a request. If the information is exempt then it will not be disclosed. The FOIA is primarily concerned with disclosure of information, that is otherwise not available, to the public and does not take account of who the requester is or the purpose for which it is sought.

I have conducted a search of our systems and in accordance with section 1(1)(a) of the FOIA, I can confirm that at the time of your request we held information in relation to internal correspondence for three active registrations and one resigned registration held by Greenfields Educational Trust. This information consists of information about the providers and staff; information arising from suitability interviews and inspections; other registration process notes and comments.

As the regulatory authority for childcare, we also maintain records of complaints against providers and these will contain internal communications in relation to investigations. However, we are not confirming or denying

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whether or not we hold such records in relation to any of the provisions registered by Greenfields Educational Trust.

We publish some details in relation to complaints which have resulted in action to secure compliance with regulatory requirements. In this case, there are no such complaints in relation to the provisions within the scope of your request. To confirm or deny whether or not we hold internal communications about any complaints about the childcare registrations where no action was taken by the provider or Ofsted, and thus reveal the existence of such complaints, would involve disclosure of information which may prejudice the commercial interests of the settings. Section 43(3) states that the duty to confirm or deny does not arise under these circumstances.

Ofsted receives complaints about childcare provisions from parents, members of staff, members of the public and other sources. Ofsted's remit is to investigate complaints in line with the Early Years Foundation Stage and/or the Childcare Register as appropriate and to ensure that the relevant requirements are being maintained. Ofsted investigates each and every complaint raised, so long as the complaint raises concerns which fall within our remit. However, we do not make judgements as to whether a complaint is misguided, founded or unfounded or malicious: we simply use complaints as the basis of an assessment of whether the provider continues to meet requirements, and any action taken is on this basis, not to provide a remedy in relation to the individual case. Given that we do not investigate the individual circumstances from which complaints arise or express a view on their validity or otherwise, we believe that to confirm or deny whether we hold information about complaints made against a provision where neither we nor the provider took any action would be prejudicial to the commercial interests of that provision.

It is not uncommon for prospective parents to research their intended day care provider prior to enrolling their children. If information about complaints made against settings where no breach of requirements was found was made available to the public this may paint an inaccurate picture of those who may have been subject to numerous 'malicious' and/or unfounded complaints. This in turn would lead to a reduction in numbers of parents choosing these settings for their children and thus affecting their commercial interests, and give a commercial advantage to their competitors who may have had fewer complaints overall.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in confirming or denying whether we hold the information. This is because Ofsted currently makes information available to the public about complaints which result in us or the provider taking action to ensure compliance with regulatory requirements. Therefore we believe that we make available to the public the significant information in relation to complaints made about registered provisions and that, consequently, there is limited public interest in releasing information about the existence or otherwise of other complaints which did not result in action being taken.

Of the information I have confirmed that we hold, some of this is exempt under sections 31, 40(2) and 41 of FOIA.

Some of the information you have requested relates to the scheduling of future inspections. This information is exempt from disclosure under section 31 of FOIA. This section deals with issues where disclosure of information held by a public authority to a member of the public would or would be likely to, prejudice an investigation or law enforcement.

We conduct inspections with little or no notice. If providers were to be made aware of when an inspection was scheduled to take place, this may result in inspectors being given an inaccurate picture of the day-to-day care provided by a registered childcare or social care setting and this in turn may lead to parents and others being misinformed as to the quality of the provision. In view of the potential effect on our regulatory function, the public interest in releasing the information does not outweigh that in applying the exemption. Therefore the information will not be disclosed under FOIA.

Some of the information you have requested consists of personal data about individuals connected to the provisions, including names and contact details, information relating to suitability checks and indications of our intentions/actions in relation to those individuals. Section 40(2) of the FOIA exempts information if it is personal information about a third party and disclosure to a member of the public would contravene the data protection principles set out in schedule 1 of the Data Protection Act 1998 (see section 40(3)).

Although we have a power to disclose certain information which may constitute personal data to specified persons, these powers would not enable the disclosure of this personal data to the public. To disclose the information to the public without consent or any other lawful authority would contravene the first and second data protection principles. We therefore believe that

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section 40(2) applies and the personal information is not disclosable under the FOIA.

Some of the information within the scope of your request was provided to us under an obvious expectation of confidence, including information held in relation to applications for registration or variation of conditions and other implicitly confidential aspects of the relationship between the provider and Ofsted. This is exempt under section 41 of the FOIA, which exempts information provided either explicitly 'in confidence' or with an obvious expectation of confidence where disclosure of that information to a member of the public would clearly breach that confidence such that it would be actionable. This information will therefore not be disclosed under the FOIA.

Attached is all the information that we are able to disclose in response to your request.

If you feel we have not applied the FOIA correctly to your request, in the first instance, please contact Nicola Tanner on the number above or by email at Nicola.Tanner@ofsted.gov.uk and she will do her best to resolve your concerns. Alternatively, you may request a formal review by writing to: Deputy Director of Corporate Services, Ofsted, Alexandra House, 33 Kingsway, London, WC2B 6SE.

I have also enclosed a copy of the Ofsted complaints procedure which explains the process in more detail.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Ruth Stephens".

Ruth Stephens
Complaints and Information Rights Team Manager
Compliance, Investigation and Enforcement Team

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Thackeray W FOI Request ndt FOI 0906-34 Disclosed Data

Extract from Greenfields School SC050532 Registration Comments

Transferred from CSCI - 01/04/2007
Announced-06/11/2003, Unannounced-22/01/2007, Last Inspection Rating: Level 3 – Green

Caroline Butterfield - 28/06/2007 14:06

no registered manager, just head master. all other details up to date.

Extracts from The Children's House Nursery EY305029 Memo Discussion

15/02/2005 From Angela Morgan To Michele Wilkinson

Hi Shelley

This is a re-registration of 113759. The ownership has changed so it is now run by Greenfields Educational Trust.

Thanks

Angela

23/02/2005 From Michele Wilkinson To Ann Long

Hi Ann Please see previous memo.

Thanks Shelly

22/03/2005 From Ann Long To Michele Wilkinson, Angela Morgan

Hi Angela,

Please can you update RSA to show setting address as:

Mount Noddy Pavilion

St.John's Road

East Grinstead

RH19 3LG

Provider has agreed to this/ I found it difficult to locate and this will make it easier for future inspectors to locate the setting!

11/04/2005 From Ann Long To Angela Morgan

Hi Angela,

Just noticed that Pavilion is spelt incorrectly as Pavillion on setting address.

Thanks !

14/04/2005 From Angela Morgan To Michele Wilkinson

Hi Shelley

Could you create the NOD for this one?

Thanks

Angela

14/04/2005 From Michael Kubiak To Michele Wilkinson, Angela Morgan

Angela, NOD created in Shelly's absence. Thanks, Michael

06/09/2005 From Lisa Toole To Julia Shaw

I am trying to create the integrated visit for this setting but it won't let me do it as it says it is not providing education. The info on the setting says it does, it was a re-reg. Can you check whether this is in receipt of funding, please.

Thanks

05/10/2005 From Julia Shaw To Lisa Toole

Hi Lisa, I have now changed this setting to say that it receives funding. This should allow you to create an integrated inspection. If they are not providing education can you let me know please. You may need the DFES number at some point, regards,
Julia

16/06/2006 From Lisa Toole To Julia Shaw

██████████ has rung in from this nursery, saying that they have not received their recent inspection report, though the RSA shows it was sent out on 05/05/2006. Please could another be sent out. Thanks

Extracts from Greenfields School Foundation Area EY346585 Registration Comments

Henry Wilson - 28/01/2008 16:20

COR 9-3.30 mon-fri term time only. 2-5yrs

Lisa Toole - 15/07/2008 11:18

attempted to carry out a care inspection today, as detail reg screen says care only. At the school I was informed that it does have children in the pre-school in receipt of EYE, as well as in the foundation area, but most out of the school today on trips and term finishes next week. I do not have the capacity in my calendar this month to carry out an integrated inspection instead, therefore insp aborted. I agreed to phone setting tomorrow at 08.50 when the head of the pre school will be back, to discuss operation of setting and inspection.

Extracts from Greenfields School Foundation Area EY346585 Memo Discussion

11/05/2009 From Teresa Elkington To Alan David Barwood

Alan, Could you change the allocation of staff for this provision, as I am still listed as the ITM, which sadly I am not. Many thanks Teresa

11/05/2009 From Alan David Barwood To Teresa Elkington

Done - Alan.