

23 October 2009

Ed Butcher

Whatdotheyknow.com

Dear Mr Butcher

### **Freedom of Information request – Internal Review**

Thank you for your email of 5 October in which you have requested an internal review of the handling of your FOI request.

The internal review process is a requirement of the FOI Act and I am responsible for responding to requests of this nature. In conducting this review I have examined the correspondence between you and Ofsted. I have also taken account of legal advice which may have relevance to your request.

### **Your request**

On 24 August 2009 you contacted Ofsted through the [whatdotheyknow.com](http://www.whatdotheyknow.com) website and requested:

*"A copy of the full interim inspection report that forms the basis for Christine Gilbert's assessment of Haringey Council's Children Services in her letter to Ed Balls of 2<sup>nd</sup> July 2009.*

*All agenda and minutes relating the meeting described in above letter."*

### **Ofsted's response to your request**

Ofsted responded to your request on 2 October and provided you with the interim report you had requested. The response also stated that an agenda and minutes from the meeting between Ed Balls and Christine Gilbert on 1 July 2009 were not held by Ofsted.

## **Your complaint**

On 5 October you emailed Ofsted and requested an internal review. You did not accept that an agenda or minutes were not held by Ofsted, for the meeting between the Secretary of State and Chief Inspector. You also commented that Ofsted were either: failing to maintain appropriate records of documents "as required under the FOI Act", or unlawfully withholding information held.

## **The Freedom of Information Act**

Having examined all the documents relating to your request and the relevant aspects of the FOI Act, I am now able to comment on how your request was handled.

To comply with the FOI Act, Ofsted must respond to requests within 20 working days. As Ofsted responded to your request on 2 October 2009, its response was late and not compliant with section 10 of the FOI Act. The letter you received noted this fact and apologised to you.

## **Information held**

A key requirement<sup>1</sup> is to inform applicants whether "information of the description specified in the request" is held. The requirement<sup>2</sup> also identifies that the information subject to a request is:

*"The information (...) held at the time when the request is received".*

Ofsted's response confirmed it held the interim inspection report, but not the agenda and minutes you had requested.

I have contacted those areas of Ofsted participating in this meeting to clarify what information was held. The responses I received confirmed that further papers in relation to this meeting were not held, nor was there any recollection of an agenda or minutes being produced before or after this meeting. The only related information that Ofsted do hold is the electronic diary entry for the participants in the meeting, which notes the following:

*"1 July 17:00: Ed Balls (Sanctuary Buildings, SW1P 3BT)"*

It may assist you to know that I have also been informed that the meeting in question was intended to discuss the inspection, including its findings and recommendations. Some of this discussion is reflected in the letter sent by the Chief Inspector to the Secretary of State the following day.

---

<sup>1</sup> at section 1(1)a of the FOI Act

<sup>2</sup> at section 1(4) of the FOI Act

## **Information provided to you**

Ofsted's response correctly provided you with the interim report you had also requested. Since no information was held concerning an agenda or minutes of the meeting it was not possible to provide these to you.

I am sorry that all the documents that you requested are not held by Ofsted, but hope you will find that this review clarifies these matters. If you are dissatisfied with the conduct of the internal review, the FOI Act provides you with the right to approach the Information Commissioner at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

A handwritten signature in black ink, appearing to read "Richard McGowan", followed by a long, horizontal wavy line.

**Richard McGowan**  
**Head of Information Rights**  
**Legal Services Division**