

**Delayed Office Opening for
Employee Training**

*This Office will be closed from 8.45 am
– 11.00 am on the 1st Thursday of each
month.*

Ms Patricia Anderson

request-785726-f187160b@whatdotheyknow.com

Corporate IT and Revenues

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Contact Alan Taylor
Email foireview@pkc.gov.uk

Our ref ATI 2021 08 27 001

Your ref

Date 7 October 2021

Dear Ms Anderson

**Requirement for Review under Section 20 of Freedom of Information
(Scotland) Act 2002 - Ref: ATI 2021 08 27 001**

I am writing in response to your email dated 15 September 2021, which requested a review of the response to your recent Freedom of Information (FOI) Request. As the nominated Officer responsible for such reviews, I have considered your original request and the response given by the FOI Team before reaching my conclusion.

On 26 August 2021, received 27 August 2021, you requested the following information:

- 1) The total number of requests received to date for the Council to provide discretionary funding for a further year of early learning and childcare (nursery/ childminder etc) for children whose fifth birthdays have will fall between the day after the school start date in August 2021 and 31st Dec 2021.
- 2) A breakdown of the total number in 1. above by requests for:
 - a. continued funding in private/voluntary settings and
 - b. continued funding in council run settings and
 - c. continued funding for split placements where a child attends both a private/voluntary and a council run setting.
- 3) In relation to question 2, please provide the number of places the Council has agreed to provide continued funding for in
 - a. private/voluntary settings and
 - b. council run settings and

- c. split placements where a child attends both a private/voluntary and a council run setting.
- 4) How many of the children applying have a December birthday?
- 5a) How many appeals (challenges if there is no official appeals process) did the Council receive against the Council's decision not to grant funding?
- 5b) How many of these appeals/challenges resulted in the initial decision being overturned?
- 6) How many official complaints has the Council received regarding discretionary deferral funding decisions between Nov 2020 and the date of your response to this FoI request?
- 7a) How many applications did the Council receive for children to be permitted early entry to primary school to start in Aug 2021 instead of Aug 2022 (for children who will turn five on or after 1st March 2022)?
- 7b) How many of these early entry applications were approved?
- 8) Is the Council's discretionary deferral funding policy currently under review or are there any plans to update it for 2022-2023?
- 9) How many parents/carers are currently financing a further year of nursery for their child's deferral year themselves in a council-run nursery after the Council refused to fund their request for this?
- 10a) How many requests did the Council receive for older children* to defer their primary one start till Aug2022?

**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2021).*
- 10b) How many older children* has the Council permitted to defer their primary one start till Aug 2022?

**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2021).*
- 11) Has the Council requested to be part of the 2022-2023 expansion of the Scottish Government's pilot scheme to fund a further year of ELC for all mid-Aug to 31 Dec born children deferring their p1 start before the law is rolled out nationally from Aug 2023?
- 12a) Please provide SIMD deciles for all applications received as per the total number provided in your response to question 1.
- 12b) Please provide SIMD deciles for all applications granted as per the total number provided in your response to question 3.
- 12c) Does the Council take the SIMD decile of applicants into consideration when deciding whether to authorise a discretionary deferral ELC funding application?

The FOI Team issued their response to you on 10 September 2021. On 15 September 2021, you requested a review of the response you received on the grounds that you did not believe you had received an accurate answer to questions 3a, 3b and 3c; based on the responses provided for previous questions. You also did not agree with the decision to withhold data where numbers are fewer than three, stating you did not believe it was possible to identify individuals.

Having considered all information available to me, I can advise that the response you received to 3a-c was correct.

I am advised that the reason the total of question 3 differs from question 1 is that question 3 refers to granted deferrals (87) whereas question 1 refers to all deferral requests (90). The reason that 2c and 3c differ is because no deferral applicants requested a split / blended placement at the time of application for deferral. After their approval, some chose to then split their funding.

In terms of your request for numbers fewer than 3, which were withheld as personal information under the section 38 exemption, I agree that this information was incorrectly withheld. The disclosure of low numbers can lead to identification, and the risk is dependent on other factors such as population density and information already in the public domain. It is the Council's practice to withhold figures of 3 or less due to the increased risk that individuals can be identified from such low numbers. However, decisions are taken on a case by case basis, and I believe the level of risk in this particular instance is low.

I can confirm that the actual numbers for each question previously withheld as <3 are:

3c: 2

5a: 1

5b: 1

7a: 1

SIMD 1 Applications: 1

SIMD 2 Applications: 1

SIMD 1 Applications Granted: 1

SIMD 2 Applications Granted: 1

Your request for a review has now been fulfilled.

If you are not satisfied with my decision you have a right to appeal to the Scottish Information Commissioner, who is responsible for the Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004. You have the right to appeal to the Court of Session on a point of law following a decision of the Commissioner. You have a maximum of six months after the date of receipt of this letter to appeal to the Commissioner. The Commissioner can be contacted using the details below:

Scottish Information Commissioner,
Kinburn Castle,
Doubledykes Road,
St Andrews, Fife
KY16 9DS

Telephone: 01334 464610

Fax: 01334 464611

e-mail: enquiries@itspublicknowledge.info

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely

Alan Taylor

Head of Corporate IT and Revenues / Chief Digital Officer