



**Freedom of Information (Scotland) Act 2002
Environmental Information (Scotland) Regulations 2004**

INFORMATION REQUEST REVIEW NOTICE

Applicant: Patricia Anderson
Address: request-911200-d7571f1f@whatdotheyknow.com
Our Reference: 101004233416

Applicant request for information

The Council received a request for information from the Applicant on 25 October 2022 and is noted below:

Please could the Council provide:

1. The total number of requests received to date for a further year of early learning and childcare (nursery/ childminder etc) for children whose fifth birthdays fell/ will fall between the day after the school start date in August 2022 and 31st Dec 2022.

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 2021 and the date of your response to this Fol request?

7. 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?

8a. How many applications did the Council receive for children to be permitted early entry to primary school to start in Aug 2022 instead of Aug 2023 (for children who will turn five on or after 1st March 2023)?

8b. How many of these early entry applications were approved?

9a. How many requests did the Council receive for older children to defer their primary one start till Aug 2023?*

**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2022).*

9b. How many older children has the Council permitted to defer their primary one start till Aug 2023?*

**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2022).*

Yours faithfully,

Patricia Anderson

Acknowledgement of information request

The request was acknowledged by North Ayrshire Council on 25 October and allocated the reference number 101004233416. It was determined the request would be considered in terms of the Freedom of Information (Scotland) Act 2002.

The Council's response to the request

An email was sent to the Applicant on 4 November with a Word document attachment containing the Council's response. This response can be found in Appendix 1 of this Notice.

Applicant request for review of information provided

The Applicant contacted the Council on 6 November to request a review of the information provided on the following grounds:

I am writing to request an internal review of North Ayrshire Council's handling of my FOI request '2022-2023 Primary One Deferral Data' (your ref: 101004233416).

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/2022_2023_primary_one_deferral_d_21

Please could you review the numbers provided in your responses to questions 1-3. The total of 118 is almost four times the number of 30 you provided last year in response to the same Fol request and seems incredibly high. I wonder if January and February deferrals have been included in this total by mistake instead of just mid-August - 31st Dec born deferrals? I would be grateful if you could double-check this.

Outcome of review

The Applicant's review request is a valid request as the Council's Education Service have confirmed they calculated the original figures based on the incorrect time period.

Noted below are the correct figures for questions 1, 2 and 3 (the figures for all other questions remain unchanged).

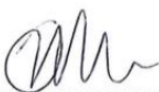
Question	Correct Figure
1	39
2a	7
2b	32
2c	0
3a	7
3b	32
3c	0

Learnings have been identified as a result of this review and the Council offers its apologies to the Applicant for any confusion or inconvenience caused.

Referral to the Scottish Information Commissioner

If the Applicant remains dissatisfied with the outcome of the review they have the right to refer the matter by way of a formal complaint to the Office of the Scottish Information Commissioner, details of which are noted at the end of this decision notice. Such a referral has to be made within six months from the date of receipt of this review (in terms Section 47(1) of the Act) and when a decision has been made by the Commissioner both the Applicant and the Council are entitled to appeal to the Court of Session, on a point of law only, against such a decision (in terms of Section 56 of the Act).

Such an appeal has to be made within 42 days of the date of the Commissioner's intimation of his decision.



Information Governance
9 November 2022

Note referred to:

Office of the Scottish Information Commissioner
Kinburn Castle
Double Dykes Road
St Andrews
KY16 9DS
<http://www.itspublicknowledge.info/Appeal>

Appendix 1

Information Requested:

1. *The total number of requests received to date for a further year of early learning and childcare (nursery/ childminder etc) for children whose fifth birthdays fell/ will fall between the day after the school start date in August 2022 and 31st Dec 2022.*

2. *A breakdown of the total number in 1. above by requests for*

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4. *How many of the children applying have a December birthday?*

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8b. *How many of these early entry applications were approved?*

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**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2022).*

9b. *How many older children* has the Council permitted to defer their primary one start till Aug 2023?*

**(by "older children" I mean those who had already reached the age of five by the school commencement date in August 2022).*

North Ayrshire Council's Response:

1	118
2A	22
2B	96
2C	0
3A	22
3B	96
3C	0
4	16
5A	0
5B	0
6	0
7	0
8A	3
8B	0
9A	6
9B	0