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19 July 2018

Ms Sue Cowley
Sent via Email:

Our reference: CAS-404682-YYJM1M

request-493351-898fc349@whatdotheyknow.com
request-493302-800f751f@whatdotheyknow.com

Dear Ms Cowley

Your request for information

Thank you for your emails dated 26 June 2018 in which you have requested information relating to Ofsted's recent blog which focused on the topic of 'off-rolling: using data to see a fuller picture'¹. You have requested:

- *a list of the 300 schools with particularly high levels of "off-rolling" that were identified by the model you have created.*
- *a list of these 560 schools and a definition or explanation of what is meant in the blog by "significantly above expectation".*

The Freedom of Information Act

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. The Act is primarily concerned with the disclosure of information to the public, it does not take into account who the requester is or the reasons for why the information is being requested.

Normally the first requirement of the Act is that we should confirm whether or not we hold information of the description set out in your request. We are then under a duty to provide you with all the information we hold which falls within the scope of your request, provided it is not 'exempt' information.

In this case, although I can confirm that we hold the data you have requested; we are unable to disclose it to you at this time as we consider it to be exempt from disclosure to the public under section 33 of the Act. This decision is explained in detail in the annex below.

¹ <https://educationinspection.blog.gov.uk/2018/06/26/off-rolling-using-data-to-see-a-fuller-picture/>

We are able to clarify what is meant by the statement "Significantly above expectation" as being: *schools where the proportion of pupils off-rolled was significantly higher than the statistical model predicted it would be*. I hope that this provides the clarification you have sought.

I understand that our decision not to disclose the statistical data to you may be disappointing; however I trust that this letter, and information in the attached annex, clearly explains our position. If you have any queries about our response, please contact me at 0300 013 1287 and I will do my best to address them.

Alternatively, if you are dissatisfied with our response or the handling of your request, you may request a formal internal review. In order to do this, please write to the following address, setting out which areas of the response you are unhappy with:

Email: Richard McGowan at informationrequest@ofsted.gov.uk or write to:

Senior Information Rights and Delivery Manager
Ofsted
2 Rivergate
Templequay
Bristol
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If you are not content with the outcome of the internal review, you also have the right to apply to the Information Commissioner for a decision as to whether or not we have complied with our obligations under the FOI Act with respect to your request. The Information Commissioner can be contacted at:
<https://ico.org.uk/concerns/getting/>

or:

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Alastair O'Neill", with a long horizontal line extending to the right.

Alastair O'Neill
Information Delivery Officer
Information Management Team

Annex Exempt Information

The FOI Act describes circumstances in which information is 'exempt' and therefore does not have to be provided in response to a request. On this occasion, we have concluded that the exemption at section 33² of the Act applies to the data you have requested.

Section 33(2) of the FOI Act applies to information when its disclosure would be likely to prejudice the exercise of any of a public authority's functions in relation to the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.

For the purposes of the FOI Act, schools are considered to be public authorities. Through our published inspection reports we hold schools to account for how effectively they use the resources at their disposal. This means that our inspection work falls within the definition of an 'audit function' as set out in section 33(1). This position is supported by the Information Commissioner in their published guidance document³ relating to this exemption.

The purpose of the blog is to highlight the different ways Ofsted can use data to assist it in carrying out its inspection functions and, on this occasion, to highlight an area where it may be necessary to look deeper. The blog specifically says that "[...] *the data gives a starting point to have these important conversations with the sector, and to better understand this issue.*". It is clear that the potential for further work in this area, including potential inspection activity, is likely.

Ofsted uses a risk assessment process that involves an in-depth review of a range of information, including data available to us, to ensure that our approach to inspection is proportionate and to focus our efforts where they can have the greatest impact. This is integral to our inspection process and consequently our wider audit function. Disclosure of data that highlights particularly high levels of "off-rolling" in certain schools or where schools have been identified as "significantly above expectation" is likely to lead to assumptions about when they will next be inspected – especially given that we have already stated this is an area of focus we are likely to look at.

Should schools believe that they may be inspected, as a result of this data being disclosed to public, they may try to prepare for the inspection; or to present the school in a particular way. This would make it more difficult for inspectors to assess

² <https://www.legislation.gov.uk/ukpga/2000/36/section/33>

³ <https://ico.org.uk/media/1210/public-audit-functions-s33-foi-guidance.pdf>

the true performance of the school, particularly when other school leaders are only given notice of an inspection taking place on the afternoon before inspectors arrive.

We are satisfied that disclosure would harm our inspection function and that consequently the exemption at section 33 applies. As section 33 is a qualified exemption we are required to consider whether or not the public interest in maintaining the exemption outweighs that in releasing the information.

We have accepted that there is a general public interest in information about schools and their performance; and to satisfy this Ofsted publishes inspection reports, which thoroughly detail Ofsted's inspection findings. We also publish statistical data about school performance. There is also a very clear public interest in ensuring that schools are effectively appraised through inspection. If Ofsted was in future less able to carry out inspections with very short notice due to advance warning being given by the release of specific data, this would result in a reduction in the quality of our inspections. This is contrary to the public interest.

Balancing these arguments, we conclude that the public interest in favour of withholding the information outweighs that in favour of disclosure and we are not providing you with the information you have requested.