

2 Rivergate  
Temple Quay  
Bristol  
BS1 6EH

Telephone: 0300 013 1293  
Email: [informationrequest@ofsted.gov.uk](mailto:informationrequest@ofsted.gov.uk)  
Web: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)



13 July 2015

Our Reference CAS-328589-X31FL2

Ms Evonne Pellow

Sent via email to: request-275613-  
31ab52b1@whatdotheyknow.com

Dear Ms Pellow

### **Your request for information**

Thank you for your email dated 19 June 2015 in which you have requested the following information:

- 'a) a list of the additional inspectors deemed inadequate*
- b) a list of any inspections they took part in'.*

We have interpreted your request as being for details of those individuals who applied, but who were not successful in being selected to inspect for Ofsted, as contractors, from September 2015. You have also requested information regarding inspections that those individuals have conducted in the past for Ofsted.

### **Context**

Ofsted currently contracts with three inspection service providers for the provision of Additional Inspectors. These contracts come to an end this summer. Having reviewed our options we decided that, rather than contract with inspection service providers, we will contract directly with individual inspectors from 1 September 2015. We believe that this will better suit our inspection needs going forward and will also provide opportunities for greater efficiency.

The new contracting arrangements will coincide with some significant changes to the way we inspect schools and further education providers. As a result of these changes, we will not need as big a pool of contracted inspectors. This allowed us to set an even higher bar when selecting contracted inspectors to join our inspection workforce from September.

In the process, we have also been able to increase the proportion of contracted inspectors who are serving practitioners from good and outstanding schools and further education providers. We think this will only increase the credibility of inspection with those we inspect.

This does not mean that inspectors who applied and did not get through the recent selection process were, in any way, inadequate. They will have all met the quality standards set at the time of their appointment and will have had their work quality assured on a routine basis. Indeed, for section 5 school inspections, legislation ensured that one of Her Majesty's Inspectors had to observe every contracted inspector carrying out a full inspection before they were deemed to have met the standard. We are confident that all our published reports are robust. Ofsted had strong contract management arrangements in place with the three inspection service providers to ensure high standards were met.

### **The Freedom of Information Act**

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. This Act provides a right for the public to request information. It does not take account of who the requester is or the purpose for which the information is sought. Therefore you would have no greater entitlement to this information than any other member of the public for the purposes of the Act.

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. If information is held we are then under a duty to provide you with the information we hold which falls within the scope of your request, provided it is not 'exempt' information.

I can confirm that we hold information detailing those who have so far applied to be contracted inspectors for Ofsted in the recent selection process, including whether or not they were successful. We also hold information about previous inspections carried out by current inspectors, who are contracted to the inspection service providers.

### **Exempt Information**

Section 2(2) of 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 40(2) currently applies to the information you have requested.

## **Section 40(2)**

Section 40(2) of the Act applies to any information which is personal data and when its disclosure would contravene any of the data protection principles. The first data protection principle requires that any processing of personal data, including disclosure, is fair and lawful and meets relevant conditions in the Data Protection Act. Disclosure can be considered to be fair if the individual to whom the personal data relates has consented to the disclosure or has a reasonable expectation that their information will be disclosed to the public, or if the disclosure is otherwise reasonable in the circumstances of the case.

Information regarding whether an individual has applied and has been unsuccessful for any type of work is clearly the personal information of that individual. Equally, any analysis of their previous work history, which is based on the knowledge they have been unsuccessful, will also constitute their personal data.

There is no reasonable expectation that any individual who applies for a work opportunity, whether this is in the public or private sector, would have the fact of that application and the result (if unsuccessful) disclosed to the public. It would be completely unreasonable for any person to have an unsuccessful application then used as a pretext to obtain and then attempt to scrutinise their previous work.

We do not take the view that disclosure of these personal data to the public in these circumstances could be fair. In regards to Schedule 2 of the Data Protection Act, we also believe that disclosure of such information would be unwarranted, given that it would prejudice the rights of these individuals to be fairly assessed in future applications for work and that it would harm their legitimate interests in making use of their talents to obtain future employment. Finally, because the application process is a confidential process, we would regard disclosure of the requested information as an unlawful breach of the confidence owed by Ofsted to those who have taken the time to apply for these inspection opportunities.

This being the case, disclosure of the information you have requested would contravene every aspect of the first data protection principle. The exemption at section 40(2) of the FOI Act therefore applies to all of the information you have requested and therefore we are unable to provide you with it.

I trust that this letter clearly explains our decision. 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: Alma Kucera at [informationrequest@ofsted.gov.uk](mailto:informationrequest@ofsted.gov.uk) or write to:

Head of Information  
Commercial Services Division  
Ofsted  
Aviation House  
125 Kingsway  
London  
WC2B 6SE

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:

FOI Case Reception Unit  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

Sir Robin Boshier  
Regional Director South East  
National Director for Inspection Quality, Complaints Administration and Training