

Contract between WCC and CEM - FOI Query

[REDACTED] <[REDACTED]@warwickshire.gov.uk>

Tue 24/08/2021 12:33

To:

- CEM [REDACTED] <eaoperations@cem.org>

Cc:

- [REDACTED] <[REDACTED]@cem.org>;
- [REDACTED] <[REDACTED]@cem.org>

Afternoon everyone,

We have received a Freedom of Information request asking for a copy of the contract that is held between Warwickshire County Council (shared with the Grammar Schools in Birmingham Foundation) and CEM - Cambridge Assessment.

I am hoping that we can withhold such under the exemption of commercial sensitivity, but our legal team has advised me to contact you to get your thoughts on this.

Please can you advise and let me know if there's any information already in the public domain in relation to this [REDACTED]

1. ***A copy of the contract between Warwickshire County Council and CEM to supply tests?***
2. ***The amount spent on the tests if this is not contained in the contract? (Please explain if this covers multiple years and approximately how many children are tested.)***

[REDACTED]

Many thanks,

[REDACTED]

Lead Officer - Coordinated Admissions (Starting School, Infant to Junior transfers, Year 7 transfers, 11+ testing and Admissions to Grammar schools)

School Admissions
Education Services

Business Support
Business and Customer Services
Resources Directorate
Warwickshire County Council: Saltisford Office Park, Ansell Way, Warwick, CV34 4UL

T:
E: admissions@warwickshire.gov.uk

"Working in partnership, celebrating success, aiming for excellence"

Fw: [Cambridge Assessment International Education] Update: Freedom of Information request

[REDACTED] <[REDACTED]@warwickshire.gov.uk>

Thu 02/09/2021 13:29

To:

- [REDACTED] <[REDACTED]@warwickshire.gov.uk>

[REDACTED]
Grammar School Admissions Officer

Resources Directorate
Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: [REDACTED]

Email: [REDACTED]@warwickshire.gov.uk

Websites: <https://www.warwickshire.gov.uk/grammar-schools-11-test> / <https://www.warwickshire.gov.uk/school-admissions-appeals>

Useful COVID links:

<https://schools.warwickshire.gov.uk/coronavirus>

<https://schools.warwickshire.gov.uk/coronavirus/covid-19-toolkit-schools-early-years-settings>

From: CEM <support@cemorg.zendesk.com>

Sent: 02 September 2021 13:25

Cc: [REDACTED] <[REDACTED]@warwickshire.gov.uk>

Subject: [Cambridge Assessment International Education] Update: Freedom of Information request

- Please type your reply above this line -

[REDACTED] – CEM (CEM)

2 Sep 2021, 13:25 BST

Dear [REDACTED]

We believe some of our Entrance Test customers have been sent a Freedom of Information Request asking for a copy of their contract with CEM/Cambridge. The following information within the contract would be considered by CEM to be commercially sensitive under exemption 43(2) of the Freedom of Information Act 2000 ('the Act') which states that information is exempt information if its disclosure under the Act would, or would be likely to, prejudice the commercial interests of any person. All other parts of the contract are not considered to be commercially sensitive.

1. All names, emails, signatures and contact information.

This constitutes personal data and under Section 40 of the FOIA this can be refused when there is no wider legitimate interest in the disclosure of such information.

2. Section 2 of the contract (Term) and Schedule 3 (Pricing)

Differences between CEM's offering and that of its competitors include its prices and the duration of its contracts. Making such commercially sensitive information (including the above-mentioned, requested information) publicly available would give competitors, like GL Assessment, a distinct advantage with regards to any similar future business that they sought to win, as it would provide them with commercial details that would inform and influence their bids. This would inevitably jeopardise any future business opportunities that CEM might attempt to participate in by reducing its bargaining power and therefore its competitive edge.

We believe that disclosure of the above-mentioned, requested information would be likely to prejudice CEM's commercial interests in accordance with section 43(2) of the Act. In considering this matter, we have had regard to the public interest and taken the view that it would not outweigh the commercial harm to CEM. The public interest is not obviously served by disclosing information which undermines CEM's ability to compete, particularly in circumstances where the competition, most notably GL, is not subject to the Act. Rather, there is a public interest in CEM being able to compete in the market for entrance exams on a level playing field. Requiring disclosure of the requested information would have the added effect of potentially deterring CEM from making future investments in tests of a similar nature and eventually forcing it out of the market, thereby diminishing the choice of test for schools interested in such tests. Although it is noted that the public interest is best served by promoting openness by facilitating the accountability and transparency in the spending of public money, CEM is not in receipt of or using public money.

3. Schedule 6 (test's structure) and the paragraphs in Schedule 1 that detail the standardisation process.

CEM competes on the marketplace by offering something different from its competitors (with its key competitor in the UK being GL Assessment). A key difference includes the quality of its offering: CEM has used its expertise to develop an 11+ test that is as resistant to tutoring as possible and it markets the tests on this basis. There is a real and significant risk that placing the above-mentioned, requested information contained in this Schedule in the public domain would reveal information about the CEM 11+ test which would make it easier to tutor candidates for the test and thereby undermine CEM's attempts to make the test as resistant to tutoring as possible (particularly if that

information were to be combined with other information in the public domain such as, in the case of the standardisation information, standardised scores). Ultimately, the effect of this disclosure would be to undermine the perceived quality of the CEM 11+ test and consequently cause CEM to suffer commercial prejudice.

Many thanks

[REDACTED]

Operations Administrator

**Cambridge CEM **

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Our customer

service teams are available from 9am to 5pm UK time, Monday to Friday.

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