

21 July 2020

Our Ref CAS-440534-MTPY1C

Mr Trevor Jones

By email:

request-672068-cf58538c@whatdotheyknow.com

Dear Mr Jones

Your request for information

Thank you for your emails of 23 June 2020 in which you requested disclosure of evidence gathered from the inspections of a number of schools:

'I hereby request under the Freedom of Information Act all written evidence 'the evidence base' taken at the last Section 5 inspection of Tonbridge Grammar School/ Dr Challoner's Grammar School/ Liverpool College/ Beaconsfield High School/ Bedford Free School/ Archbishop Blanch School to the fullest extent possible under the provisions of the aforementioned act.'

These were submitted across separate emails, but they have been collated in this response.

Summary

On this occasion, we consider that responding to your request places too great a burden on Ofsted's resources, and we will not be responding to it in its current form. This is explained below.

The Freedom of Information Act

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. 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 that falls within the scope of your request, provided it is not 'exempt' information.

In this instance I can confirm we hold the evidence from these six inspections:

- Tonbridge Grammar School URN 136417 10111436 16 October 2019

- Dr Challoner's Grammar School URN 136419 10111437 5 November 2019
- Liverpool College URN 139686 10110932 26 November 2019
- Beaconsfield High School URN 140893 10085502 11 December 2019
- Bedford Free School URN 138228 10121435 15 January 2020
- Archbishop Blanch School URN 104705 10122019 25 February 2020

On this occasion, we have assessed your request, and believe it to be 'vexatious' with reference to section 14(1) of the FOI Act, as it places an unreasonable burden on Ofsted's resources. This decision has been reached after carefully examining the Information Commissioner's Office (ICO) guidance and case law on the definition of 'vexatious'.

Section 14 – vexatious requests: the ICO's view ¹

The published ICO guidance on vexatious requests describes indicators which typically characterise a vexatious request. These include 'burden on the authority' and 'disproportionate effort', which we consider to be relevant to your request.

From page 19 of the guidance, the ICO examines circumstances when 'Requests which would impose a grossly oppressive burden but are not covered by the section 12 cost limits'. The ICO acknowledges that, in some cases, collating and extracting the requested information may not take a large amount of time, but that the amount of time required to review and prepare the information for disclosure may impose a grossly oppressive burden on the organisation. We consider this to be relevant to your request.

Analysis of your request

Our view is that reviewing, redacting and preparing the six inspection evidence bases you have requested would place an oppressive burden on Ofsted, and would not be a productive use of public resources at this time.

As you are aware, inspection evidence produced by inspectors when they visit schools contains a significant amount of personal data. This will include observations of teaching and learning, notes from discussions with groups of pupils, information

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

about the personal circumstances of pupils, staff and other individuals, views shared by parents, and personal comments and observations recorded during discussions with senior leaders and staff. This personal data appears throughout the evidence base and is not labelled or highlighted in any way that would allow for easy redaction. To prepare inspection evidence for public disclosure, it must be closely and carefully read, sometimes multiple times, to properly identify the context of the recorded information and to determine if individuals may be identifiable. Once prepared, regional inspection teams will then review the material proposed for disclosure again to carefully check it is properly redacted. We consider it is necessary to take these steps to ensure the personal data of pupils, staff and other individuals who participate in the inspection process is protected.

You have requested disclosure of evidence from six inspections. This would take a significant amount of manual staff time to assess, redact and review, as explained. We have looked at the purpose and value of your requests, to balance against their impact on Ofsted. The inspections you have asked about took place from October 2019 to February 2020, across three different regions of England. This would suggest you do not have a particular interest in one inspection event, or a local interest in a particular school, but are more widely interested in Ofsted inspection processes. It would appear that you have chosen six inspections more or less at random, with the only connection that they received a grade of outstanding during inspections in the last academic year. I am aware you have an interest in education matters, and can see you have submitted 27 FOI requests to Ofsted via the WhatDoTheyKnow website since 2015 across a range of topics. This has included the previous disclosure of inspection evidence for another school, as recently as January 2020.

We cannot see an overriding public interest in carrying out this extremely time-consuming work to redact and prepare six apparently randomly selected inspection evidence bases for public disclosure. The reports for these inspections have been published on our website, and represent Ofsted's official position relating to the outcome of those inspections. The fundamental findings of the inspections have therefore clearly been communicated to the public already. During recent months a large number of Ofsted staff have been deployed to support local authorities, government departments and other organisations with the response to COVID-19. This means that we have less staff available to carry out functions such as responding to FOI requests. On balance, we believe that to respond to your request would be a disproportionate and unjustified use of public resources and we will not be responding to this request.

Section 16 of the FOI Act places a duty on Ofsted to provide advice and assistance to those making requests. On this occasion, we have explained why your request places a burden on Ofsted's resources, and also explained what information we hold regarding your request. If you wish to submit a new or revised request, taking this

information into account, you may do so, and we will consider whether we are able to disclose information in response.

I trust that this letter clearly explains our position. If you have any queries about our response, please contact me at 0300 013 1087 and I will do my best to address them. Please note, most of our physical offices are currently closed so we cannot routinely accept correspondence by post.

If you are dissatisfied with our response or the handling of your request, you may request a formal internal review. Details of how to do this are set out in Annex A at the end of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nicola Tanner".

Nicola Tanner
Information Access Officer
Ofsted Information Rights and Access Team

Annex A - Next steps

If you are dissatisfied with our response or the handling of your request, you may request a formal internal review. To do this, please write to the following address, setting out the area(s) of the response you are unhappy with:

Email: Richard McGowan at informationrequest@ofsted.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply to the Information Commissioner for a decision as to whether 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/global/contact-us/>