

18 January 2019

Ms Chloe Wilson

Our Reference: CAS-414414-366DB4

By email:

[request-540431-
2a410716@whatdotheyknow.com](mailto:request-540431-2a410716@whatdotheyknow.com)

Dear Ms Wilson

Your request for information

Thank you for your request of 20 December 2018 which you submitted via the whatdotheyknow website. You requested the following information:

" Please could i see the written evidence bases and notes from the two Ofsted Inspection visits in June 2017 and October 2018 to Steiner Academy Exeter."

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. I can confirm that we hold the evidence base from the 2018 inspection. We no longer hold the evidence base for the inspection of the school in 2017, in line with our retention rules. We do, however, hold two summary evaluation forms from the 2017 inspection.

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 consider that the information requested is currently exempt from disclosure to the public. We believe that section 33 of the FOI Act supports that view. This decision is explained in full in the annex below.

I trust that this letter explains our decision. If you would like to discuss it further or have any queries about our response please contact me via email and I will do my best to address them.

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:

Head of Information Rights and Correspondence
Ofsted
2 Rivergate
Temple Quay
Bristol
BS1 6EH

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 black ink, appearing to read "Karon Crew", with a horizontal line underneath.

Karon Crew
Information Access Officer
Information Rights and Access Team

Annex A - Exempt information

We consider that the evidence base is currently exempt from disclosure to the public under section 33 of the FOI Act.

Section 33(2) of the Act¹ 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 document² relating to this exemption.

In this case, the October 2018 inspection of Steiner Academy Exeter found that the school requires special measures because it is failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school. As set out at paragraph 120 of our school inspection handbook for section 8 inspections³, academies judged to require special measures, who are not rebrokered, will be subject to further monitoring by Ofsted.

As a result, the school will continue to be subject to monitoring by Ofsted. We consider that disclosure of the evidence base from the October 2018 inspection is likely to prejudice our ongoing monitoring of the school.

We expect school leaders and governors to act on Ofsted's findings as set out in our published inspection reports and thereafter to engage with us based on the monitoring letters provided after that. We consider it is likely that public disclosure of the evidence and any other inspection information would result in the school, and other interested parties, wanting to go back and discuss with Ofsted that earlier evidence, rather than a collective and ongoing focus on demonstrating the current position of the school and improvements being made. This would make it more difficult for our inspectors to report on the progress the school is currently making, as they would be required to spend time answering queries about the earlier inspection rather than looking at the current picture. Any such disruption to inspectors' work would directly harm our ability to effectively audit the school.

¹ <https://www.legislation.gov.uk/ukpga/2000/36/section/33>

² <https://ico.org.uk/media/1210/public-audit-functions-s33-foi-guidance.pdf>

³ <https://www.gov.uk/government/publications/handbook-for-short-monitoring-and-unannounced-behaviour-school-inspections>

For the remaining information, the two summary evaluation forms in respect of the June 2017 inspection, these forms feed into the initial drafting of the final report and contain areas that, during the inspection, the inspector considered as lines of enquiry to be recorded and the main points of feedback for the school. As part of the drafting and moderation process this information is then consolidated into the final report. The published report is Ofsted's official judgement of how the school is performing and focuses on the key areas on which the school must focus to ensure that it meets its statutory obligations.

We consider that, at this current time, the disclosure of this summarised and draft documentation would be likely to prejudice our inspection and audit functions. This is because the forms do not represent the full evidence base, and are likely to draw attention to the areas of the earlier report that have been the focus of the quality assurance and moderation process. Consequently we are satisfied that the exemption at section 33 of the Act applies at this time.

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. The public interest in disclosing this information is that it would help demonstrate the rigour of the inspection process. However, as described above, we believe that disclosure of the information we hold, at this time in particular, would be likely to harm Ofsted's ongoing audit function.

There is a very clear public interest in ensuring that schools are effectively appraised through inspection and that appropriate action is taken to address any weaknesses that are identified. It is also essential that we are able to inspect and report on our current findings, to ensure that progress is being made. Any disclosure of information that may prejudice that ongoing process would not be in the public interest.

Consequently, for the reasons set out above, we are satisfied that the exemption at section 33 applies and we will not be disclosing the requested information in response to this request at this time.