

19 November 2021

Sophie Barton
Sent via email:
request-802942-9df33a44@whatdotheyknow.com

Our reference: CAS-457936-72D4VZ

Dear Ms Barton

Your request for information

Thank you for your email of 29 October 2021 in which you requested disclosure of the following information under the Freedom of Information Act:

'How many first inspections of new children's homes carried out since Jan 2018:

How many were rated the following at their first inspection:

- outstanding
- good
- requires improvement
- inadequate

Please detail which Ofsted area (eg south west, south east) carried out the inspection.'

As we explained in our acknowledgement, the Freedom of Information (FOI) Act does not cover all areas of Ofsted's work. Ofsted is only described as being subject to the Act:

*'in respect of information held for purposes **other** than those of the functions exercisable by Her Majesty's Chief Inspector of Education, Children's Services and Skills by virtue of section 5(1)(a)(iii) of the Care Standards Act 2000.'* (as amended).¹

Section 5 of the Care Standards Act (CSA) gives Ofsted functions as the 'registration authority' for children's social care such as children's homes.²

¹ <http://www.legislation.gov.uk/ukpga/2000/36/schedule/1/paragraph/1A>

² <http://www.legislation.gov.uk/ukpga/2000/14/section/5> section 1A

This means that any information held by Ofsted for the purpose of its role as the 'registration authority' for children's homes in England, is **not** subject to the FOI Act.

Instead, we have considered your request in line with the Care Standards Act (CSA) 2000. Section 36 of the CSA states that:

'(2) Subject to subsections (3) and (4), any person who asks the registration authority for a copy of, or of an extract from, a register kept for the purposes of this Part shall be entitled to have one.

(3) Regulations may provide that subsections (1) and (2) shall not apply—
(a) in such circumstances as may be prescribed; or
(b) to such parts of a register as may be prescribed.'

In this case, we do hold information relating to inspection outcomes for the first inspection of a newly registered children's home. However, the CSA does not provide an entitlement to this information and we are not required to provide such data on request. As a result, we will not be making a disclosure in response to this request.

I understand that this decision may be disappointing to you. It may be useful for me to clarify that we believe we already satisfy our duty to provide information on our inspection work as part of our routine published statistics. Although this does not specifically give a breakdown of outcome judgements for a home's first inspection, it is possible to filter the published data to get a picture of the outcomes awarded to homes not previously inspected. The most recent publicly available data can be found [here](#).

I trust that this letter 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.

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 Access Officer
Information Rights and Access Team