



Department  
for Education

Office of the Regional Schools  
Commissioner for the West Midlands  
Department for Education  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

Email: [RSC.WM@education.gov.uk](mailto:RSC.WM@education.gov.uk)

R. Lee

By email: [request-552337-de6c8e84@whatdotheyknow.com](mailto:request-552337-de6c8e84@whatdotheyknow.com)

Date: 30/04/2019

Reference: 2019-0011198

Dear R. Lee,

Thank you for your recent Freedom of Information request, received on 15 March 2019, in which you requested:

*Under the Freedom of Information Act please can you provide copies of any correspondence from any Birmingham MP or City Councillor concerning the 'No Outsiders' programme in Birmingham schools.*

You also clarified to limit your request to the first 3 months of 2019.

I have dealt with your request under the Freedom of Information Act 2000 (the Act).

The Department holds some of the information you have requested, however it is being withheld under an exemption at section 36(2)(c) of the Act.

Section 36(2) of the Act exempts from disclosure information which, in the reasonable opinion of a qualified person (a minister in the case of Government Departments):

“would be likely otherwise to prejudice, the effective conduct of public affairs.”

A minister has decided that, in his reasonable opinion, disclosure of the information you have requested would be likely to have these effects.

Section 36 is a qualified exemption, which means that the department must take into account whether releasing the requested information is in the public interest. We have undertaken a Public Interest Test to determine whether the public interest lies in this information being released, and in doing so have considered the following factors:

- There is an accepted and recognised need for transparency around how the

department conducts its business and engages with external stakeholders, particularly around novel and contentious issues.

- Conversely the department also has a responsibility to ensure that there is no obstruction or impediment to the effective conduct of public affairs, whether those of the department or another public body.
- The department is currently engaging with a number of external contacts including MPs and local councillors, to bring about a resolution that delivers the best outcome for the children of Parkfield School.
- If the department were to release the requested information, it could prejudice the department's ability to engage effectively with stakeholders to resolve the situation. The department's officials need to be able to discuss the ongoing situation and provide advice to stakeholders such as MPs and local councillors free of prejudice.
- While the department recognises that there is a need to maintain transparency where possible, in this instance there is a likelihood that the release of this information may have the negative effects set out above.

The arguments for and against release have been considered and it is our view that the balance of public interest falls in favour of the maintenance of this exemption at this time, in relation to the information requested.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way your request has been handled, you should make a complaint to the Department by writing to me within two calendar months of the date of this letter. Your complaint will be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office.

Yours sincerely,

Neil Bowden  
Business Support Manager  
RSC West Midlands Office  
West Midlands Academies and Regional Delivery Directorate