

From: Stibbs, Lian (L&G)
Sent: 20 March 2009 16:32
To: Traves, Peter (C&LL)
Subject: RE: URGENT : EHE Questionnaire

Peter,

FYI - the DCSF have literally just contacted me to state that their advice is to cite section 36 of the Freedom of Information Act, which calls for information to be withheld if it would prejudice, the effective conduct of public affairs. With regard to this case, officers and parents may not be willing to give advice and opinion. This is a concern expressed by the EHE team.

Consequently we will be considering this exemption.

Regards,

Lian.

From: Traves, Peter (C&LL)
Sent: 20 March 2009 16:32
To: Stibbs, Lian (L&G)
Subject: RE: URGENT : EHE Questionnaire

Fine

From: Stibbs, Lian (L&G) [mailto:lian.stibbs@staffordshire.gov.uk]
Sent: 23 March 2009 08:40
To: CAMPBELL, Iain; [REDACTED]
Subject: RE: Freedom of Information release - your comments
Iain,

Thank you. We have decided to consider this exemption internally. To strengthen my argument against disclosure please could you confirm which section of the act you are applying (please note this is for my records - I am aware which exemption is being applied).

Regards,
Lian.

From: Iain.CAMPBELL@dcsf.gsi.gov.uk [mailto:Iain.CAMPBELL@dcsf.gsi.gov.uk]
Sent: 23 March 2009 10:37
To: Stibbs, Lian (L&G); [REDACTED]
Subject: RE: Freedom of Information release - your comments

Lian

The exemption from disclosure is under section 36(2)(b) of the Act, in that disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation and under section 36(2)(c) of the Act, in that disclosure would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Iain

-----Original Message-----

Dear Mr Hupfield,

The release of this questionnaire may be subject to a Freedom of Information Act exemption and therefore a Public Interest Test will be held. In accordance with the County Council procedures a panel will decide if this information is subject to the exemption and if the information will be withheld, or if the information will be released.

No inference should be made from this letter that we currently hold the information that has been requested.

The Public Interest Test panel will meet in due course and I will contact you with the outcome as soon as possible after the panel has reached a decision.

In the first instance if you have any comments relating to how your request has been handled by our authority, please contact Philip Jones, Head of Information Governance, Information Governance Unit, 1a Bailey Street, Stafford, ST17 4BG.

If you have any further comments relating to how your request has been handled by our authority, please contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours Sincerely,

Lian Rebecca Stibbs
Access to Information Officer

From: Matt Hupfield [mailto:request-8369-e0e6f505@whatdotheyknow.com]
Sent: 23 March 2009 14:41
To: Stibbs, Lian (L&G)
Subject: Re: Freedom of Information request - Response to Home Education Review

Dear Stibbs, Lian (L&G),

I find it disappointing that it has taken you the full 20 days to inform me that you believe this query may be exempt.

-snip- The release of this questionnaire may be subject to a Freedom of Information Act exemption and therefore a Public Interest Test will be held. In accordance with the County Council procedures a panel will decide if this information is subject to the exemption and if the information will be withheld, or if the information will be released. -snip-

I do not understand on what grounds the questionnaire responses could be considered exempt as there is no reason for it to contain any personal or sensitive information. The questionnaire simply asked for the LA's opinion on how successful they believe the current legislation is for monitoring children educated otherwise than at school.

Can I draw your attention to the fact that other County Councils have already released the same information:

Birmingham:
http://www.whatdotheyknow.com/request/independent_review_of_home_educ

Brighton and Hove: <http://ahed.pbwiki.com/BrightonAndHove>

Dorset:
<http://daretoknowblog.blogspot.com/2009/03/dorsets-response-to-la-questionnaire.html>

Gloucestershire:
<http://daretoknowblog.blogspot.com/2009/02/gloucestershire-las-response-to-review.html>

Oxfordshire:

http://www.freedomforchildrentogrow.org/Oxfordshire_response__to_DCSF_Review_Feb_2009.pdf

Lincolnshire:
<http://tryingtorelax.blogspot.com/2009/03/lincolnshire-las-response-to-he-review.html>

I see no reason given the fact that all of these County Council's, and more, have already deemed it appropriate to release their responses that Staffordshire should be any different.

-snip- No inference should be made from this letter that we currently hold the information that has been requested. -snip-

Before being sent to the DCSF the completed questionnaire had to be seen and approved by the head of childrens services. I would be astounded if the LA had not kept a copy of this information. If there is not an electronic copy at the very least there should be a draft that would have to have been approved.

Can I point out again that there should be two questionnaires, a short 6 question version and a full 60 question version. This request is for a copy of the response to both.

In the meantime could you please clarify the reason or reasons you believe this information may be exempt and a reference to the legislation/guidance which gives cause to this reason.

Yours sincerely,

Matt Hupfield

-----Original Message-----

Dear Mr Hupfield,

We contacted the DCSF for their views in relation to the release of this document. A response was received on the 20/3/09, which is why we did not provide a response earlier. However, as the Act allows 20 working days for a response to be sent we were still within the deadline.

Following consultation with the DCSF Staffordshire County Council will be considering section 36 (2) (b) of the Freedom of Information Act 2000. This exemption is considered if disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation and under section 36(2)(c) of the Act, in that disclosure would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs

I acknowledge the fact that other councils may have opted to release this information. However, we have chosen to consider the exemption. This is not to say that it will be applied.

The email sent is based upon a standard letter - to which we include the phrase 'No inference should be made from this letter that we currently hold the information that has been requested'. I have not stated that we do not hold a copy.

I am aware that you have requested both copies of the questionnaire.

Yours sincerely,

Lian Rebecca Stibbs Access to Information Officer

-----Original Message-----

From: Matt Hupfield [mailto:request-8369-e0e6f505@whatdotheyknow.com]

Sent: 23 March 2009 15:33

To: Stibbs, Lian (L&G)

Subject: Re: Freedom of Information request - Response to Home Education Review

Dear Stibbs, Lian (L&G),

Thank you for the prompt response.

As the public consultation period for the Home Education Review is over, and the findings from the review will be published in May, I see no reason why or how the release of this information could prejudice the review.

Could you confirm that the public affairs you consider the release of this information will 'likely prejudice' is the home education review procedure.

Could you also confirm what 'provision of advice' or 'exchange of views' you believe the release of this information is likely to inhibit.

Yours sincerely,

Matt Hupfield

-----Original Message-----

Dear Mr Hupfield,

We contacted the DCSF for their views in relation to the release of this document. A response was received on the 20/3/09, which is why we did not provide a response earlier. However, as the Act allows 20 working days for a response to be sent we were still within the deadline.

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I am aware that you have requested both copies of the questionnaire.

Yours sincerely,

Lian Rebecca Stibbs Access to Information Officer

From: Matt Hupfield [mailto:request-8369-e0e6f505@whatdotheyknow.com]
Sent: 23 March 2009 15:33
To: Stibbs, Lian (L&G)
Subject: Re: Freedom of Information request - Response to Home Education Review

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Could you also confirm what 'provision of advice' or 'exchange of views' you believe the release of this information is likely to inhibit.

Yours sincerely,

Matt Hupfield

-----Original Message-----

Dear Mr Hupfield,

I can confirm that we do not hold this information. This request does not constitute a valid Freedom of Information Request. You will be informed of the result of the public interest test in due course.

Yours sincerely, Lian Rebecca Stibbs

From: Matt Hupfield [mailto:request-8369-e0e6f505@whatdotheyknow.com]
Sent: 23 March 2009 16:41
To: Stibbs, Lian (L&G)
Subject: Re: Freedom of Information request - Response to Home Education Review

Dear Stibbs, Lian (L&G),

I presume I can safely interpret 'we don't hold this information' as 'we're not going to tell you our objections'.

Can you then please confirm that the official position of Staffs County Council is that despite other councils releasing this same information you are going to try to claim it as exempt anyway.

Whilst you have quoted the sections of the FOI Act under which you are going to claim this information as exempt can you also please confirm that you aren't prepared to state what your actual concerns/objections are.

Yours sincerely,

Matt Hupfield

From: Stibbs, Lian (L&G)
Sent: 24 March 2009 09:19
To: Lantsbery, Catherine (L&G); Jones, Philip A (L&G)
Subject: FW: Freedom of Information request - Response to Home Education Review

I have entered into a series of correspondence with Mr Hupfield regarding the PIT and am quite frankly going round in circles with this.

Please could you confirm that you are happy for me to ignore his latest request and contact him once it has been decided whether or not we should release.

Regards,

Lian.

From: Jones, Philip A (L&G)
Sent: 26 March 2009 17:02
To: Stibbs, Lian (L&G); Lantsbery, Catherine (L&G)
Subject: RE: Freedom of Information request - Response to Home Education Review

Lian,

We have clearly stated to Mr Hupfield we do not hold the information if he wishes to interpret this as meaning something else and share his conclusions that is his prerogative. I think we need to respond when the PIT has taken its decision.

Philip

Philip A Jones
Head of Information Governance

From: Stibbs, Lian (L&G)
Sent: 07 April 2009 09:40
To: [REDACTED]
Subject: RE: EHE Questionnaire

[REDACTED]

When the full questionnaire was sent did we additionally send a shorter, six question version? We are currently considering withholding the full copy under one of the exemptions of the Freedom of Information Act, and need to ensure we additionally consider this shorter version.

Regards,
Lian.

From: Stibbs, Lian (L&G)
Sent: 09 April 2009 14:54
To: Wadkin, Heather (C&LL)
Subject: Public Interest Test - DCSF

Hi Heather,

Philip has asked that you attend a public interest test to consider section 36 (FOI). Before I send over the documents, quick question - have you sat on a panel or do you need some background?

Regards,
Lian.

Lian Rebecca Stibbs,
Access to Information Officer,

From: Wadkin, Heather (C&LL)
Sent: 09 April 2009 15:00
To: Stibbs, Lian (L&G)
Subject: RE: Public Interest Test - DCSF

I was scheduled to sit on a panel once before, but it never actually happened. I know the principle of the PIT, but if you have a handy background guide, that would be helpful

*Heather
Heather Wadkin
Information Manager
Children and Lifelong Learning Directorate*

From: Matt Hupfield [mailto:request-8369-e0e6f505@whatdotheyknow.com]
Sent: 20 April 2009 11:56
To: Freedom Of Information (IRU)
Subject: Re: Freedom of Information request - Response to Home Education Review

Dear Sir or Madam,

Could you please let me know what stage the 'Public Interest Test' procedure is at and when I should expect a decision to be made as to whether or not this information should be released.

Could you also confirm the answers to the questions I asked in my email of 23 March, which has been ignored.

I have included the contents of the email below for your convenience:

----- I presume I can safely interpret 'we don't hold this information' as 'we're not going to tell you our objections'.

Can you then please confirm that the official position of Staffs County Council is that despite other councils releasing this same information you are going to try to claim it as exempt anyway.

Whilst you have quoted the sections of the FOI Act under which you are going to claim this information as exempt can you also please confirm that you aren't prepared to state what your actual concerns/objections are. -----

Yours sincerely,

Matt Hupfield

From: Lantsbery, Catherine (L&G)
Sent: 20 April 2009 12:21
To: 'Matt Hupfield'
Subject: RE: Freedom of Information request - Response to Home Education Review

Dear Mr Hupfield

"Could you please let me know what stage the 'Public Interest Test' procedure is at and when I should expect a decision to be made as to whether or not this information should be released."

The public interest test will be held when the appropriate senior managers are available. At the moment we estimate this to beginning of May and we will contact you again once this is complete.

Your e-mail dated 23 May did not include a valid Freedom of Information request therefore there is no obligation to answer however I would like to address as follows:

The Freedom of Information Act 2000 obliges authorities to comply with requests for information, where that information is held by the authority (section 1(4)). The information you have request is either not recorded/held or is a request for an opinion and is therefore not subject to the Freedom of Information Act. Once the public interest test has taken place you will be informed of the outcome and if a section 17 notice is issued the reasons (if not otherwise apparent) why the information may be withheld. That decision has not yet been taken therefore no information is held.

If you are unhappy with the outcome of your request you can complain in the first instance to Philip Jones, Head of Information Governance, Staffordshire County Council, 1a Bailey Street, Stafford, ST17 4BG.

If you are still not satisfied with the outcome of your request you can contact the Information Commissioner's Office www.ico.gov.uk

Yours sincerely

Catherine Lantsbery
Access to Information Manager

From: Lantsbery, Catherine (L&G)
Sent: 20 April 2009 12:22
To: Stibbs, Lian (L&G)
Subject: FW: Freedom of Information request - Response to Home Education Review

Can you file in the appropriate place please

Cath

Catherine Lantsbery
Access to Information Manager

From: Stibbs, Lian (L&G)
Sent: 29 April 2009 11:46
To: Reception, Corporate (RES)
Subject: Meeting Venue Request

Hi,

Please find attached a meeting room request.

Lian Rebecca Stibbs,
Access to Information Officer,

From: [REDACTED]
Sent: 29 April 2009 11:52
To: Stibbs, Lian (L&G)
Subject: RE: Meeting Venue Request

Hi,

Im sorry but we have no availability on the date you requested.

Many thanks

[REDACTED]
Receptionist
Staffordshire County Council Reception

From: Stibbs, Lian (L&G)
Sent: 29 April 2009 11:55
To: [REDACTED]
Subject: conference room booking

[REDACTED]

I am arranging a meeting for 12- 12.30 on 7/5/09. However, there are no rooms available. Is it possible to book the conference room downstairs?

Regards,

Lian.

Lian Rebecca Stibbs,
Access to Information Officer

From: Stibbs, Lian (L&G)
Sent: 05 May 2009 09:59
To: Jones, Philip A (L&G); Evans, Jean (L&G); Wadkin, Heather (C&LL)
Subject: Public Interest Test EHE

Please find attached the detailed document relating to the public interest test, to be held on Thursday, 7th May.

Regards,

Lian.

Lian Rebecca Stibbs,
Access to Information Officer

From: Stibbs, Lian (L&G)
Sent: 12 May 2009 15:22
To: Lantsbery, Catherine (L&G)
Subject: Hupfield - PIT

Cath,

For your information, as Mr Hupfield has directed a request to you, the PIT has chosen to release this questionnaire. Please note we only hold a 26 point questionnaire, and this is what was released to the DCSF (in case there is any comeback). I will release the information today.

Regards,

Lian.

Lian Rebecca Stibbs,
Access to Information Officer,

From: Stibbs, Lian (L&G)
Sent: 12 May 2009 15:49
To: 'Matt Hupfield'
Subject: RE: Freedom of Information request - Response to Home Education Review

Staffordshire
County Council

Dear Mr Hupfield,

Following the results of the public interest test held on 7/5/09, I can confirm that I am able to release the authority's response to this review which was sent to the DCSF. Please note we did not complete a 60 or 6 question version. The public interest test was held to discuss the guidance received from the DCSF in relation to the application of s36.

If you have any queries or require any further information please do not hesitate to contact me.

In the first instance if you have any comments relating to how your request has been handled by our authority, please contact Philip Jones, Head of Information Governance, Information Governance Unit, 1a Bailey Street, Stafford, ST17 4BG.

If you have any further comments relating to how your request has been handled by our authority, please contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours Sincerely,

Lian Rebecca Stibbs
Access to Information Officer
