

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 July 2023

Public Authority Office for Standards in Education, Children's Services and Skills (Ofsted)

Address: 2 Rivergate
Temple Quay
Bristol
BS1 6EH

Decision (including any steps ordered)

1. The complainant has requested information about a specific school inspection. Ofsted disclosed information in response to the request.
2. The Commissioner's decision is that Ofsted has obtained the correct objective reading of the request and therefore complied with section 1 (general right of access) of FOIA.
3. The Commissioner does not require further steps.

Request and response

4. On 31 March 2023, the complainant wrote to Ofsted and requested:

'I am submitting the following Freedom Information Request with regard to the Ofsted report following the inspection on 27 and 28 September of King Edward VII school in Sheffield URF 107140.

On page 2 of the report, the second sentence reads, ' A significant minority of pupils do not feel that they have an adult to speak to.'

In relation to this statement, I would like you to tell me the following:

1. What was the exact wording used by inspectors when they asked pupils the question that generated the above statement.
 2. How many students, in each year group, were asked this question?
 3. How many students, in each year group, reported that they did not feel that they have an adult to talk to?
5. Ofsted responded on 27 April 2023. It confirmed the exact wording of the question was 'There is an adult at school I can talk to if something is worrying me' and it confirmed all pupils in all year groups were asked the question. It withheld the information requested in part 3 of the request under section 33.
6. Following an internal review Ofsted wrote to the complainant on 30 May 2023 and rescinded its reliance on section 33. It explained to the complainant that:

"Ofsted's response to you also stated that "disclosure of the inspection evidence will interfere with any monitoring processes". Whilst I believe that statement to be correct, I note that you have not asked for Ofsted to disclose the evidence in its entirety, nor have you asked for the raw data itself. Instead, this part of your request is closely limited to a comment already published in the inspection report...I do not believe that harm to the monitoring inspection process would arise from this limited disclosure. The disclosure of this information will provide additional supporting context to the inspectors' comments in the published report. I am therefore happy to agree that it should now be disclosed."

7. It disclosed the following table, with the following explanatory note:

Year	7	8	9	10	11	12	13	14
No.	2 (9)	4 (26)	6 (30)	15 (34)	13 (49)	20 (69)	37 (90)	3 (4)

"(the table) details the year group, under which is given the total number of pupils who said that they either disagreed, strongly disagreed, or neither agreed/disagreed with the statement that they had an "adult at school I can talk to if something is worrying me". To illustrate the relative proportions of each response, this is followed (in brackets) with the number of total respondents overall for that year group."

Scope of the case

8. The complainant expressed concern to Ofsted that the table doesn't:

“indicate the number of responding pupils in each year group that reported that they 'didn't know who they could talk to', as the figure also included those students who neither agreed nor disagreed with the statement, students in this category cannot reasonably be assumed to have 'no adult to talk to', they have simply not answered the question.”

9. The complainant contacted the Commissioner on 6 June 2023 to complain about the way their request for information had been handled – they maintained that part 3 of the request hadn't been complied with.
10. The scope of the Commissioner's investigation is to consider whether Ofsted has obtained the correct objective reading of the request and therefore complied with the requirements of section 1 (general right of access) of FOIA.

Reasons for decision

11. Before a public authority begins to process a request, it must ensure that it has obtained the correct objective reading of the request.
12. Public authorities must avoid reading into the request any inferences that are not clear from the wording. If the request clearly specifies exactly what information or documents the requester wants, then there will only be one objective reading to the request. If the public authority considers that there is more than one interpretation of the request, it must seek clarification from the requestor as to which interpretation of the request is the correct one.
13. To reiterate, in part 3 of the request the complainant has asked:

“How many students, in each year group, reported that they did not feel that they have an adult to talk to?”
14. In response, Ofsted disclosed the number of students, for each year group, who either disagreed, strongly disagreed, or neither agreed/disagreed with the statement 'There is an adult at school I can talk to if something is worrying me.'
15. To the Commissioner, the crux of this case lies in a disagreement over the definition of the 'neither agree/disagree' option in the survey. The complainant believes it's the equivalent of a non-response. However, Ofsted has included it as indicative that a pupil felt they didn't have an adult to talk to at school.
16. Having considered the statement and the context in which it was asked, the Commissioner disagrees with the complainant that students who

chose the neither agree/disagree option 'have simply not answered the question.'

17. The student might be declining to answer the question but they also could be expressing genuine doubt as to whether they agree with the statement. They might also be trying to convey that sometimes they agree with the statement and sometimes they don't. Both of these examples would fall within the scope of part 3 of the complainant's request.
18. Whilst it's ambiguous, the Commissioner considers the neither agree/disagree option in the survey is a valid option. It could be used by a student who doesn't feel strongly enough to agree with the statement but also doesn't feel strongly enough to disagree with the statement either. It's an intermediate response which would also fall within scope if the complainant was asking how many students reported that they did feel that they had an adult to talk to within the school.
19. Ultimately, there were five options in the survey in question: strongly agree, agree, neither agree/disagree, disagree or strongly disagree. In the Commissioner's opinion the only two options that clearly wouldn't fall within the scope of part 3 of the request are the first two – where a pupil explicitly agrees that there is an adult at school they can talk to if something is worrying them.
20. Returning to paragraph 12, where a request is capable of more than one objective reading, section 16 (advice and assistance) of FOIA obliges the public authority to ensure that it has obtained the correct objective reading of the request. The Commissioner considers there is only one objective reading of the request – to provide the number of students, in each year group, who reported that they did not feel that they have an adult to talk to.
21. This complaint hasn't been brought to the Commissioner because the complainant and the public authority have different interpretations of the request. It's been brought to the Commissioner because the complainant and the public authority have different interpretations of the neither agree/disagree response in the context of the survey.
22. Whether the complainant wants to make a new request, taking into account the information contained within this notice, is for them to decide. However, on this occasion the Commissioner is satisfied that Ofsted has provided all information that falls within the scope of the request and therefore has complied with section 1. He requires no further steps.

Right of appeal

23. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

24. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF