

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 April 2024

**Public Authority:** The Governing Body of Wyedean School and Sixth Form Centre

**Address:** Beachley Road  
Sedbury  
Chepstow NP16 7AA

#### **Decision (including any steps ordered)**

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1. The Commissioner's decision is that Wyedean School and Sixth Form Centre (WSSFC) doesn't hold any information within scope of the two requests for information about an Ofsted inspection.
2. Regarding the request of 30 November 2023, WSSFC didn't comply with section 1(1)(a) and 10(1) of FOIA as it didn't confirm it doesn't hold this information within the statutory time limit.
3. It's not necessary for WSSFC to take any steps.

#### **Request and response**

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4. The complainant made the following information request to WSSFC on 27 November 2023:

"...[1] Please can you remind me how many parents and guardians participating in providing feedback and evidence towards this Ofsted report. [2] Wby [sic] the contact details of the Ofsted inspector were never published to allow parents to provided [sic] evidence orally...

[3] Please can you provide me with the chair of Governors email."

5. WSSFC responded the same day. Regarding [1] and [2], it advised that it doesn't hold the requested information and that the complainant would need to contact Ofsted. Regarding [3], WSSFC provided the email address of the Clerk of Trustees and advised that this address is also on its website.
6. The complainant requested an internal review on 30 November 2023. In this correspondence the complainant also requested:

"I would like to request the [sic] Wyedean provide copies of the schools communication with Ofsted where it claims to have retrospectively contacted Ofsted requesting that they engage with me as a parent."
7. On 30 November 2023 WSSFC advised the complainant that it wouldn't communicate further on this matter.
8. In further correspondence to WSSFC on 30 November 2023 and 6 December 2023 the complainant requested further reviews. In its response on 6 December 2023 WSSFC advised that it doesn't hold information about surveys (regarding part 1 of the 27 November 2023 request) and that "Ofsted defines all parent contact during the inspection, the School has no part in this" (regarding the 30 November request). On 13 December 2023 the WSSFC confirmed that it had already addressed their queries.

## Reasons for decision

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9. The School has provided the information requested in part 3 of the complainant's request of 27 November 2023. This reasoning therefore covers the remainder of the request of 27 November 2023 and the request of 30 November 2023; the degree to which these are valid requests under FOIA, whether the School holds information within scope of any valid requests and the timeliness of its response.
10. On 27 November 2023 the complainant requested [1] the number of parents and guardians who provided feedback to and evidence for an Ofsted report and [2] an explanation about why the Ofsted inspector's contact details weren't published. On 30 November 2023 they requested copies of WSSFC's communication with Ofsted in which WSSFC claimed to have retrospectively contacted Ofsted to request that it engage with the complainant.
11. Section 8(1) of FOIA states that a valid request is one that's in writing, includes the applicant's name and contact details and describes the information requested.

12. Regarding part 2 of the 27 November 2023 request, this question doesn't describe what information is being requested but instead asks WSSFC to explain why certain contact details hadn't been published. FOIA concerns solely information held in recorded form; it doesn't oblige a public authority to provide explanations, opinions, or clarifications or to answer general questions.
13. The Commissioner therefore finds that part 2 of the 27 November 2023 request isn't a valid request under section 8 of FOIA and so WSSFC isn't obliged under FOIA to respond to it.
14. The Commissioner has published guidance for applicants on making a request to ensure they receive the specific information they're seeking. The complainant may find this guidance<sup>1</sup> useful.
15. Section 1(1)(a) of FOIA obliges a public authority to confirm whether it holds information an applicant has requested.
16. Under section 10(1) a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
17. Regarding part 1 of the 27 November 2023 request WSSFC had advised the complainant the same day that it doesn't hold this information and that they should contact Ofsted for it. However, WSSFC's position regarding the request of 30 November 2023 was less clear.
18. In its submission to the Commissioner, WSSFC says that it has thoroughly investigated and conducted relevant searches and can confirm that it doesn't hold information within scope of part 1 of the 27 November 2023 request or within scope of the 30 November 2023 request.
19. Regarding part 1, WSSFC says that this information belongs to Ofsted and would be held on its records. The information isn't therefore held by WSSFC. WSSFC provides parents and carers with a link to access the questionnaire the complainant referred to only; it's the conduit and not the data owner or controller.
20. WSSFC says that the information that the complainant is seeking is likely to be held by Ofsted, so their request is misplaced with WSSFC. It has tried to direct the complainant to Ofsted for both their feedback and

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<sup>1</sup> <https://ico.org.uk/for-the-public/official-information/>

for the information they're seeking but they fail to understand that WSSFC isn't withholding information; it simply doesn't have this information.

21. Regarding the request of 30 November 2023, WSSFC has confirmed that this information doesn't exist. It says it verbally informed an Ofsted Inspector that an individual wished to talk to the Inspector, but they didn't offer WSSFC a contact number or instruct it to engage.
22. To give the Commissioner some context, WSSFC has explained that during the time in school the Ofsted Inspectors have a vast array of data to interrogate, students and staff to observe and interview. They don't give out their mobile phone numbers to engage with parents because this simply wouldn't be manageable. WSSFC has 1050 students and if even a small proportion wanted to talk directly to the Inspectors it just wouldn't be possible to fulfil their role in the school. WSSFC says it fully complied with the process set out and Ofsted was satisfied with this too.
23. The Commissioner accepts WSSFC's explanation and accepts that, on the balance of probabilities, it doesn't hold recorded information within scope of part 1 of the request of 27 November 2023. If it's held, Ofsted would hold the information. Since the complainant is clearly seeking this information, to avoid further delay the Commissioner suggests that they submit a request to Ofsted for it.
24. WSSFC confirmed it doesn't hold this information within the statutory time limit and so complied with section 1(1)(a) and 10(1) in respect of the earlier request.
25. Regarding the 30 November 2023 request, Ofsted communicated with the Ofsted Inspector verbally and the Commissioner is satisfied that no recorded information about its communication with the Inspector is held. However, in the Commissioner's view WSSFC didn't clearly confirm to the complainant that it doesn't hold recorded information within scope of this request within the statutory time limit. The Commissioner therefore finds that WSSFC breached section 1(1)(a) and 10(1) in respect of the later request.

## **Right of appeal**

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26. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. 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.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**