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13 January 2010

Mr Randall Hardy
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Peplow
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XXX XXX

xxxxxxx@xxxxxxxxxx.xx.xx

Dear Mr Hardy,

Your request for information

Thank you for your email dated 12 December 2009 sent to informationrequest@ofsted.gov.uk in which you have requested information relating to a current Ofsted survey which you understand is of home educating families in some areas.

In particular, you have asked for the following information:

- a) All relevant details of when the survey was commissioned and by whom, along with the exact wording of the request;
- b) A copy of all basic questionnaires and covering letters sent out by yourselves;
- c) Information concerning which home educating support groups and academics with direct experience of home education you consulted when drafting the questionnaires;
- d) A list of the areas where you are presently surveying home educating parents;
- e) Information concerning the number of meetings your staff have had with home educating families in these areas in connection with the survey;
- f) Details of when you intend to extend the survey to other areas in the UK and which areas;
- g) The timetable for when your findings have to be submitted to the commissioning body.

Summary of response

Ofsted holds most of the information you have requested, and with one exception, is releasing it to you here. This latter decision is explained below.

The Freedom of Information Act

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. Under the Act, Ofsted is under a duty to provide you with all the information it holds that you have requested, provided it is not 'exempt' information.

The first requirement of the Act is for Ofsted to confirm whether it holds information of the description provided in your request. I can confirm that Ofsted holds all the existing information you request.

Section 2(2) of the FOI Act describes circumstances in which information is 'exempt' and therefore does not have to be provided in response to a request. On this occasion Ofsted has found that the exemption at section 22 of the Act applies to some of the information you have requested.

I think it will help if I first correct the understanding on which you based your request. We have not been surveying home educating parents. The survey to which you refer includes looking at how well local authorities understand and carry out their obligations and duties towards home education. As part of this survey, we have asked local authorities to invite home educating families who are known to them, to meet with us to share their views on how well they are supported, and talk to us about their experiences. We have also asked the authorities to send all home educating parents known to them a questionnaire to return to us. With this difference in mind, I can answer your particular questions in the same order as above:

- a) The survey is part of Ofsted's 2009-10 survey programme, which was finalised by December 2008 and began in April 2009. Our surveys are commissioned by Department for Children, Schools and Families (DCSF). The focus of any survey is generally developed through a number of contacts between the Department and the appointed survey leader. The focus of this survey is summed up by the opening paragraph of the attached letter to local authorities, namely "Ofsted are undertaking a survey during the autumn term to look at children who are not currently receiving education at school. The survey will have a particular focus on those who are educated at home, those who are persistently absent from school and those who go missing from the education system. We are aware that there are particular responsibilities and

powers given to local authorities to monitor and evaluate the provision which children receive”.

- b) Please find attached a letter to families, as provided to local authorities to send to the home educating families of which they were aware. I also attach the covering letter to local authorities, mentioned in a) above, explaining the background to the survey and what we wanted them to do.
- c) In scoping the survey, inspectors met with some home educating parents and as part of the background research to the survey, viewed a range of home education websites.
- d) I should stress again that we have not been surveying home educating parents but looking at how well local authorities understand and carry out their statutory obligations and other duties towards home education, so the strictly accurate answer to your question is that there is no list. However, you do know already that fifteen local authorities have been involved in the survey, and in line with Ofsted’s normal practice, a published survey report is likely to include a list of the local authorities (and any other institutions) visited and contacted during our fieldwork and evidence collection. Because of our intention to publish these names later this year, this information is exempt from release now under section 22 of the FOI Act. Further background to this exemption is given below.
- e) Connected with the visits to local authorities, we have met with approximately 110 parents and 130 children from families educating at home.
- f) Ofsted’s remit covers only England. Furthermore, we have no plans to extend this survey beyond the fifteen local authority areas already selected.
- g) Ofsted is committed to publishing a report from this survey in the middle of 2010 and publication will be through the Ofsted website. The DCSF will be sent an advanced draft report shortly before publication.

Exempt Information

The list of local authorities involved in the survey is information which is exempt from release information under section 22 of the FOI Act – Information intended for future publication, which states:

Information is exempt information if

a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Ofsted considers that all three of the above conditions apply, therefore the exemption is engaged.

The Balance of the Public Interest

When a qualified exemption applies to information we are required to address the 'public interest test'.

There is some public interest in being provided with a list of those taking part in the survey, however, this is counterbalanced by the fact that the survey report is still at an early stage, and that the local authorities concerned were not told initially that release prior to publication was a possibility. To publish their names now, in advance of the final report, would go against normal, established, practice and could jeopardise future cooperation generally between Ofsted and local authorities. On balance therefore, it would not be in the public interest to release their names now.

I trust that you will find the information in, and attached to, this letter helpful and that we have adequately explained why we cannot release a small part of the information connected to your request. If you feel that we have not dealt with your request satisfactorily, you can contact me at the number or email address shown above, to see if these matters can be resolved informally.

Alternatively, if you remain dissatisfied with Ofsted's response or the handling of your request you may request a formal internal review. In order to do this, please write to the following address, explaining what areas of Ofsted's response you are unhappy with:

Email: Richard.McGowan@ofsted.gov.uk or write to:

Head of Information Rights
Legal Services Division
Ofsted
Aviation House

125 Kingsway
London
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If you are not content with the outcome of the internal review, you also have the right to apply to the Information Commissioner for a decision as to whether or not Ofsted have complied with its obligations under the FOI Act with respect to your request. The Information Commissioner can be contacted at:

FOI Case Reception Unit
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Richard Green
Business and Administration Team Manager
Strategy Directorate

Attachments: letter to local authorities
 letter to families