

Subject: William Marshall, Welney. School Closure

To the Director of Children's Services,

Further to your letter posted to the School Committee and your subsequent posting of the notification of intent to close the school, we would like to point out the following:

You are now embarked upon the second stage of consultation which would last four weeks from the 18th of September 2015. We note however that your first period of consultation was seriously flawed in that at the public meeting of the 19th May 2015 you repeatedly stated that this was consultation and no decisions had been taken.

We can now show, (by attachment of the Freedom of Information Act request) that a decision had been made to close the school based on the Council meeting of the 12th May 2015 and that the consultation you pursued after that was flawed and unlawful.

Your decision to defer the decision to go to stage two until the beginning of September clearly resulted in pupils, who had intended to join the school, not joining the school because of the disinformation given to them by relevant authorities. Despite this, our role numbers did not collapse and indeed had those pupils joined, our role would have increased as indicated by us in our report. This supports our claim that the school is sustainable in terms of numbers over the next coming years.

In view of the above we invite you to act honourably and now refer the matter to the schools adjudicator or start the consultation process again in an open and honest manner as prescribed by the law to rectify what we can show was a procedural impropriety.

Meanwhile can we invite you to inform Ofsted to come and perform an inspection since no final decision to close the school has yet been made.

We looking forward to your prompt response.

Kind Regards, Secretary of the William Marshall Parent Committee

Your request for information

Thank you for your email which was received on 26 June 2015 in which you ask for a copy of the email received by Ofsted from Norfolk Local Authority in relation to the potential closure of William Marshall School.

The Freedom of Information Act

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. The first requirement of the Act is that we should confirm whether or not we hold information of the description set out in your request. I can confirm that we hold an email received from Norfolk Local Authority providing information about the closure of the school. Please see the contents of the email below with some personal data removed:

Dear [...]

Further to your conversation with [...], I can confirm that at this morning's meeting of our Children's Services committee, members unanimously accepted the recommendation that William Marshall Cof E Primary School at

Welney should close within a period of six months and that the Interim Director of Children's Services will now make the decision to issue a public notice on closure of the school on 31 August 2015.

I hope this is the information that you need.

With best wishes

[...]

Exempt Information

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, we have concluded that the exemption at section 40(2) applies to some of the information you have requested.

Section 40(2)

Section 40(2) states that information is exempt from the requirement to disclose under the FOI Act if it satisfies the following criteria:

1. it is personal data about a third party (Section 40(2)(a)); and
2. its disclosure to the public would contravene any of the data protection principles (Section 40(2)(b) and 40(3)(a)(i)). The data protection principles are set out in Part 1 of Schedule 1 of the DPA.

To provide you with the names and contact details of the individuals named in the email would result in the disclosure of personal information about these individuals. The first data protection principle requires that any processing of personal data, including disclosure, is fair and lawful and meets relevant conditions from schedules 2 and 3 of the DPA. Disclosure can be considered to be fair if the individual to whom the personal data relates ("the data subject") has consented to the disclosure or has a reasonable expectation that their information will be disclosed to the public, or if the disclosure is otherwise reasonable in the circumstances of the case.

We do not have consent from the individuals to disclose their personal data to the public, so we must assess whether they would have a reasonable expectation that their data may be disclosed or if it is otherwise reasonable in this case to do so.

We consider that individuals would not expect information about contact details to be disclosed to the public without their consent.

To disclose information about an individual's contact details, would be unfair and thus would contravene the first data protection principle. The second of the above criteria is therefore also satisfied and the exemption at section 40(2) of the FOI Act applies, so we will not be disclosing this information to you.

I trust that this letter clearly explains our position. If you are dissatisfied with our response and would like to discuss it further, or you have any queries about the response, please contact me at 0300 013 1108 and I will be happy to discuss it with you.

Alternatively, if you remain dissatisfied with our 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, setting out which areas of the response you are unhappy with:

Email: Alma Kucera at informationrequest@ofsted.gov.uk or write to:

Head of Information, Ofsted, Aviation House, 125 Kingsway, London, WC2B 6SE

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 we have complied with our obligations under the FOI Act with respect to your

request. The Information Commissioner can be contacted at:

<https://ico.org.uk/concerns/getting/>

or:

Customer Contact

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Yours sincerely

Kerry McTear

Information Delivery Officer

Information Management Team