

15 November 2019

Dear

Freedom of information request

Thank you again for your email of 22 October 2019, in which you raised a number of queries in relation to Estyn's Registered Nursery Inspectors.

When dealing with requests for information made under the Freedom of Information Act 2000 (the 'Act'), Estyn's obligations include:-

1. Confirming or denying whether it holds information of the description specified in the request; and
2. Communicating the information requested to the applicant.

There are a number of exemptions under the FOIA which impact on these obligations. Estyn is required to consider the question of whether an exemption applies in the context of the information being released into the public domain and not to the particular applicant that has requested the information. If Estyn releases the information in response to a FOIA request, this is essentially a decision that the information released can then be released in response to any similar request from any member of the public.

In respect of the following questions:

- How much in total, will Estyn have paid to these contracted/fee paid inspectors for this work?
- What is the average amount paid to contracted staff per joint inspection?

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Mae Estyn yn croesawu gohebiaeth yn Gymraeg a
Saesneg. Bydd gohebiaeth a dderbynnir yn y naill
iaith neu'r llall yn cael yr un flaenoriaeth.

Estyn welcomes correspondence in both English
and Welsh. Correspondence received in either
language will be given equal priority.

it is my view that release of the information requested into the public domain would or would be likely to prejudice the commercial interests of the contractors concerned and therefore falls to be considered under section 43(2) of the FOIA.

This exemption is subject to the public interest test and I have concluded that the balance of the competing public interests falls in favour of withholding the information rather than releasing it. This is because, in my view, the potential damage to the commercial interests of the contractors involved is not outweighed by the public interest in releasing the information.

In respect of the following question:

- What is the annual budget for this piece of work?

Estyn does not currently budget per type of inspection, the only budget which directly relates to joint CIW inspections is for the contracted inspector costs and Estyn considers this information to be commercially sensitive under section 43(2) of the FOIA.

In response to your remaining queries, I can confirm the following:

- How many inspections have taken place from January 2019 to 31 October 2019? **81**
- How many of these inspections have been undertaken by a fee paid/contracted inspector? **53**
- How many of these inspectors are on your approved list? **All of them are on our approved list.**

If you are not satisfied with the decision Estyn has taken regarding your request for information, you are entitled to request that we review the matter. Your request for a review should be addressed to the Feedback and Complaints Manager, and received no later than 20 working days after the date of this communication.

If you are still not satisfied, you also have a right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Email: enquiries@ico.gsi.gov.uk

Yours sincerely

A handwritten signature in black ink that reads 'R. W. Gairey'.

Robert Gairey
FOI case officer