

4 December 2018

Our Reference CAS-411748-VRJ5KO

Mr Will Calver

Sent via email to:  
[w.calver@isabelsvoice.org.uk](mailto:w.calver@isabelsvoice.org.uk)

Dear Mr Calver

### **Your request for information**

Thank you for your email dated 8 November 2018 in which you requested the following information under the Freedom of Information Act:

- 1. Since ILACS was first published in November 2017, how many times have inspectors used Annex B (Page 69 of the ILACS Framework) to request emotional and mental health information around Section 7 (1) (a) and (b) of the Care Planning, Placement and Review 2010 Regulations?*
- 2. Since ILACS was first published in November 2017 what is the average length of mental health support help offered to looked after children? (Page 67 of ILACS)*
- 3. From inspections since November 2017 since ILACS was first published, do Ofsted have any aggregated quantitative outcome data from mental health support of looked after children that local authorities deliver?*
- 4. How do Ofsted measure the impact of mental health support that local authorities arrange for looked after children, during your inspections of them?'*

I can confirm that we will deal with points 1 to 3 of your request under the Freedom of Information Act. Point 4 of your request does not fall within the parameters of a 'request for information', as it requires an explanation or dialogue as to how Ofsted carries out a function or role. We will however endeavour to provide you with an answer to this question.

### **The Freedom of Information Act**

We have dealt with points 1 to 3 of your request in accordance with the Freedom of Information (FOI) Act 2000. I should point out that the Act provides a right for the

public to request information and does not take account of who the requester is or the purpose for which the information is sought.

The first requirement of the Act is that we should usually confirm whether or not we hold the information set out in your request. Under the FOI Act, we are then under a duty to provide you with all the information we hold which falls within the scope of your request, provided it is not 'exempt' information.

In respect of point 1 of your request, Ofsted does not hold the information in a collated form as you have requested. To be able to provide you with a number as to how many times inspectors have used Annex B to request information surrounding emotional and mental health would involve manual analysis of every Annex B form.

With regard to points 2 and 3 of your request, I refer you to our earlier email on 27 September 2018. We hold data on individual local authorities. This data is in different formats from different points in time and cannot be aggregated or used to create an overall average as you request.

Ofsted therefore cannot provide the information in points 2 and 3 of your request. We consider that we have already provided an answer to these questions. To comply with point one would exceed the 'appropriate limit' set out in the Act.

### *Section 12*

Under section 12(1) of the FOI Act a public authority, such as Ofsted, is not obliged to comply with a request if the cost of doing so would exceed the 'appropriate limit'. The limit set for government departments is £600 per request or set of related requests. This figure equates to one staff member working for 24 hours at the hourly rate of £25.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

As explained above, although we hold data on Annex B requests, we consider that any attempt to locate the specific information you have requested would involve the manual review of numerous files, and inspection documents. We consider that carrying out this process would take significantly longer than the 24 hours permitted under the Act, and so would exceed the cost limit as described above. Consequently we are not required to provide you with the information you have requested under the FOI Act.

Under the Act we have a duty to provide you with advice and assistance as to how you may be able to refine your request and narrow its scope. Having reviewed what you have requested above we do not see a way in which your request could be refined that would enable us to provide you with the information you are looking for. However, if you feel your request can be refined or you can provide us with a request that is narrowed in scope, we can review this accordingly.

In respect of point four, we consider that we have already provided an answer to this question. I would refer you to our earlier responses of 16 August and 27 September 2018. In this we provided links to our inspection framework and evaluation criteria. We also provided links to the DfE's statutory guidance on [promoting the health and well-being of looked after children](#). If you wish to see examples of how we report on these issues, you can find our inspection reports on our website: <https://reports.ofsted.gov.uk/>.

I trust that this letter clearly explains our decision under the Freedom of Information Act. If you are dissatisfied with our response and would like to discuss it further, or you have any queries about the response, please contact Ilona Lomas at 0300 013 1293 and she 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: Richard McGowan at [informationrequest@ofsted.gov.uk](mailto:informationrequest@ofsted.gov.uk) or write to:

Head of Information Rights and Correspondence  
Ofsted  
2 Rivergate  
Temple Quay  
Bristol  
BS1 6EH

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,

Yvette Stanley  
National Director  
Social Care