

**Subject:** Revised FOI response - 202104686 [REF/Lv/a5/nw/ny/]

**From:** cypsfoi <cypsfoi@northyorks.gov.uk>

**Date:** 10/03/2022, 20:14

**To:** "weaverthorpeparishcouncil@gmail.com" <weaverthorpeparishcouncil@gmail.com>

Dear Jeff

10.03.2022 Amendment

Please be advised that the response to your FOI request (Ref. 202104648) has been reissued as a factual inaccuracy has been identified.

The previous response of 18 February 2022 makes reference to "misuse of funds" as a point of investigation at the school. This is not the case and was stated in error.

Please see the revised response to your request attached and please accept our apologies for any confusion caused.

Kind Regards

Jessica

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OFFICIAL - SENSITIVE

**From:** Weaverthorpe Parish Council <[weaverthorpeparishcouncil@gmail.com](mailto:weaverthorpeparishcouncil@gmail.com)>

**Sent:** 09 February 2022 09:40

**To:** Andrew Dixon <[Andrew.Dixon@northyorks.gov.uk](mailto:Andrew.Dixon@northyorks.gov.uk)>

**Subject:** Re: FAQ update

Good morning Andrew

Weaverthorpe Parish Council has asked me to make a request under the Freedom of Information Act, for a copy of the letter that the LA sent to the Chair of Governors of Weaverthorpe School in January 2020 which set out the LA's concerns prior to the Ofsted inspection.

Regards

Jeff

Jeff House

Clerk to Weaverthorpe Parish Council

Tel: 01944 738841 Mobile: 07901 661508

email: [weaverthorpeparishcouncil@gmail.com](mailto:weaverthorpeparishcouncil@gmail.com)

Read the latest Coronavirus (COVID-19) information from North Yorkshire County Council

<https://www.northyorks.gov.uk/coronavirus-advice-and-information>

Access your county council services online 24 hours a day, 7 days a week at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not

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**Please see the revised response to your request below and please accept our apologies for any confusion caused.**

Dear Jeff,

Thank you for your Freedom of Information Request 202104686, dated 09/02/2022 requesting a copy of communications between the LA and the Chair of Governors of Weaverthorpe School in January 2020.

I can confirm that the county council holds this information, however it is exempt from disclosure by virtue of Section 36(2)(b) of the Freedom of Information Act 2000. This is because its disclosure would, or would be likely to, inhibit (i) the free and frank provision of advice, or (ii) the free and frank exchange of views for the purposes of deliberation. It is also exempt from disclosure by Section 36(2)(c) as its disclosure would prejudice the organisation's ability to provide effective public services.

The Local Authority's 'Qualified Person' — which, as defined by the Local Government Act 1972, in this case is the county council's monitoring officer — has reached this conclusion for the following reasons:

The Council accepts that transparency in the conduct of public affairs is very important, and it is in the public interest that Local Authority processes are shown to be followed and implemented transparently. There is now a school closure process underway and it would be beneficial for the public trust to understand what has happened and what the Council's involvement was. However, the free and frank discussions that happened with Weaverthorpe CE School were necessary to ensure that the situation was handled appropriately and the disclosure of this information would prevent effective governance of schools in the future. During the response period required by the correspondence, the school was subject to an Ofsted inspection and received an Inadequate judgement. The LA then established an Interim Executive Board at the school, which replaced previous governance of the school.

For local authorities, this exemption is a qualified exemption which means that it is subject to the Public Interest Test. The Council has considered disclosure as transparency in the conduct of public affairs is very important, and it is in the public interest that Local Authority processes are shown to be followed and implemented transparently. However, there are public interest arguments against disclosure those are that the release of information relating to this matter would prejudice the ability of officers and others to provide/obtain advice and to openly discuss these matters. Whilst it is acknowledged that it is in the public interest that the Local Authority processes are followed and implemented transparently, it is not in the public interest to disclose the documentation requested because of the prejudicial effect it would have on the objective of stabilising the governance arrangement of the schools subject to these processes in the interests of parents, staff and students of the school, and wider social implications. It is considered that if any detailed information was placed into the public domain, during or following these statutory processes, this would risk destabilising the governance of a

school or would discourage schools, individuals or other organisations from interacting openly with the Council.

The county council's decision is therefore to withhold the information at this time.

Please find attached the county council's information governance appeals procedure for your information. Please be aware that, within the county council, only the qualified person can review the approach that they have taken in regards to the application of Section 36(2)(b) and (c). This does not affect your right to appeal to the Information Commissioner's Office (ICO). Please remember to quote the reference number above in any future communications.

Kind Regards

Jessica