

15/08/2022

Dear

ATISN 16488 – Request for Information regarding Phillybear's Playgroup

Thank you for your request for information received on 18/07/2022. You asked for the following information regarding Phillybear's Playgroup in Barry:

1. *What specific safeguarding risks have CIW sought to minimise by suspending the registration.*

We have decided this information is exempt from disclosure under section 31 – 'Law enforcement' of the Freedom of Information Act 2000. Our reasons for applying this exemption are set out at Annex 1 to this response.

2. *The specific actions/inactions of Phillybear's that has put the childrens' safety and wellbeing at risk.*

We have decided this information is exempt from disclosure under section 31 – 'Law enforcement' of the Freedom of Information Act 2000. Our reasons for applying this exemption are set out at Annex 1 to this response.

3. *Specify who CIW have referred to as "other partners" and "partner agencies".*

This refers to Vale of Glamorgan Council and South Wales Police.

4. *Specify who is responsible for any current and ongoing investigations into this matter.*

Care Inspectorate Wales.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedomofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

The Freedom of information Act provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

Information being withheld	Section number and exemption name
<ol style="list-style-type: none">1. What specific safeguarding risks have CIW sought to minimise by suspending the registration2. The specific actions/inactions of Phillybear's that has put the childrens' safety and wellbeing at risk.	Section 31 - 'Law Enforcement' of the Freedom of Information Act 2000

Section 31 - 'Law Enforcement'

Section 31(1) of the Freedom of Information Act 2000 (FoIA) states:

31 (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),

We believe disclosure of the requested information is exempt from disclosure under section 31(1)(g), the relevant purposes under subsection (2) that apply in this case are as follows:

Section 31(2):

(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper.

(d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on

(j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with actions of persons at work

Care Inspectorate Wales, as a public authority, have a statutory duty to ensure people who provide a care service are fit to do so. Any investigations carried out by CIW in relation to this matter would be prejudiced if information about these matters were put into the public domain at this stage because the detail will need to be discussed with those concerned to consider its veracity and relevance. For this reason, we believe disclosure of this information would be likely to prejudice CIW's functions for the purpose set out in subsection (d) above.

Public Interest Test

Section 31 is a prejudice-based exemption and is subject to the public interest test. This means not only does the information have to prejudice one of the purposes listed, but, before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

We believe the public interest arguments in favour of maintaining the exemption are sufficient to outweigh the arguments in favour of disclosure. This is because while releasing the information might enhance public scrutiny of decision making, it would be likely to impinge upon the effective investigation of matters of concern by Care Inspectorate Wales. There is a public interest in knowing that children are safe in a childcare setting registered and inspected by Care Inspectorate Wales. This is met by the action taken by Care Inspectorate Wales in initially suspending the setting in response to the concerns raised about it; and in its continuing oversight and examination of the quality and safety of the service provided to children.

We have therefore concluded the public interest in preventing prejudice to the matters set out above outweighs the public interest in disclosure in this case. The information is therefore withheld under section 31 of the FoIA.