

31 August 2022

Dear

### **Information requested FOI ATISN 16549**

Thank you for your request which I received on 3 August. You clarified this request on 8 August 2022 and you asked for:

Details of all consultation activities (online or in-person) undertaken by Welsh Government between 01/01/2018 and 03/08/2022 in consulting home educating families and other stakeholders on the matter of proposed legislation changes to elective home education (EHE).

1. Details to include date, location, title/subject, agenda, questions asked to attendees/discussion topics, number of attendees and descriptors of attendees (e.g. home educators, WG/LA staff etc.).

2 & 3. The number and copies of any complaints (written or verbal), received between 01/01/2019 and 03/08/2022 by the Welsh Government regarding the EHE consultation meetings held in **2019** and **2020** to include for every event:

- complaints received via the formal Welsh Government complaints procedure;
- copies of all statements of dissatisfaction expressed in written feedback at the consultation events in 2019 and 2020 that include views on the format/content/facilitation consultation events rather than views on the proposals to EHE;
- Copies of any records made of the verbal feedback provided by consultation attendees to the facilitators/organisers/managers on the day of the consultation events in 2019 and 2020;
- Copies of any records made of the verbal feedback provided by consultation attendees to the facilitators/organisers/managers of the consultation events of 2019 after the events;
- Copies of any written statements of dissatisfaction regarding the 2019 consultations sent by event attendees or other interested parties after the events and received by
  - a. Welsh Government staff responsible for organising/running the events
  - b. Anyone within the Education Directorate including yourself, Kirsty Williams, or Jeremy Miles.

The information to include any form of complaints process put in place for consultation attendees to be able to record their dissatisfaction with any aspect of the consultation meetings and how this complaints process was made accessible to event attendees.

4. What action has been taken by WG or any representatives in relation to the complaints referenced above (Q2 & 3) and provide copies of any correspondence between complainant and WG officials, and internal communication between WG officials in relation to Q2 & 3.
5. A list of any cancelled consultation events to include date/venue/subject/agenda for each event and the reason why the event was cancelled.
6. a) Any information if cancelled events were rescheduled for a later date to include date/location/title (subject)/agenda/number of attendees and why they were attending e.g. home educator. WG/LA staff etc.  
  
b) For any cancelled events that have been rescheduled with a future date details to include date/location/title(subject)/agenda/proposed attendees (including their position e.g. home educator/WG/LA staff etc.
7. Copies of any and all WG guidelines/policies/regulations stipulating the processes for running a public consultation such as the proposed EHE guidelines.
8. How the EHE consultations of 2019 and 2020 met the requirements for WG guidelines/policy/ regulations on public consultations.
9. a) Provide the following for any planned future in-person or virtual EHE consultations: date/location (if applicable)/ title(subject)/ agenda/ any consultation questions/ proposed attendees;  
b) provide for any planned future online consultations: date/title/subject/ any consultation questions/ proposed attendees and why they are invited (e.g. home educators/ WG/LA staff etc.).
10. Names of all EHE representative groups consulted by WG officials on subject of the proposed EHE legislation changes between 1<sup>st</sup> September 2021 and 3<sup>rd</sup> August 2022.
11. Copies of any written records of the consultations that have taken place with the groups listed in Q10 above to include agendas, any meeting minutes and any other written communication between the Education Directorate/Geoff Goss/Jeremy Miles and the EHE family representative groups referred to in Q10 between 1<sup>st</sup> September 2021 and 3<sup>rd</sup> August 2022.
12. Copies of the meeting agenda, minutes and any and all subsequent communications following the meeting between Jeremy Miles, Education Minister, and Education Otherwise held on 18/05/22.

## **Our response**

From our preliminary assessment we estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

In order to provide you with the information that you have requested would require carrying out searches for each of the 12 points listed above. Consequently, we have decided not to provide you with the information you have requested.

We have reviewed our electronic files and have identified potentially 22,806 documents that may contain this information. We have estimated that it would take an officer approximately 5 mins to open each document, review its contents to identify if it contains the information you seek and to mark it for disclosure. This process does not take into account the time taken to redact any document as appropriate or seek 3rd party approval for disclosure. This would mean that this process would take 22,806 by 5 mins equalling 1,900 hours. Section 12 of FOIA allows the Welsh Government to refuse a request for general information in circumstances where it estimates that it would exceed the “appropriate limit” to either comply with the request. The appropriate limit is currently set at £600 for the Welsh Government which is calculated on staff taking more than 24 hours (at a standard rate of £25 per hour) to comply with the request.

Therefore as processing this request would exceed the appropriate limit for handling this request, we are unable to provide this information.

You may wish to refine your request by narrowing its scope. If you do refine your request in this way, this will be treated as a new request.

## **Next steps**

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: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@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 that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,