

23 September 2023

Dear

Information requested FOI ATISN 16608

Thank you for your request which we received on 25 August. You asked for:

1. All communications between the previous Minister for Education Kirsty Williams MS and Ministers for Education in England, their civil servants, the Department for Education (DfE) and English Government which relate to home education policy and guidance and are dated between 1st January 2017 to 13th May 2021.
2. All communications between the Minister for Education Jeremy Miles MS and Ministers for Education in England, their civil servants, the Department for Education (DfE) and English Government which relate to home education policy and guidance and are dated between 1st January 2021 and today's date.
3. All communications between the Director of Education, senior civil servants dealing with home education, other staff dealing with home education and the DfE, Civil servants in England dealing with home education and other agencies dealing with home education which relate to home education policy and guidance and are dated between 1st January 2017 and today's date.
4. All communications made by Welsh Government Ministers and staff relating to home education policy and guidance development not covered by points 1-3 between 1st January 2017 and today's date.

You have subsequently provided the following in response to our request for clarity:

- I do not require copies of communications from private individuals which relate to policy and guidance (Of course, public servants, ministers and politicians writing about policy in a private capacity are not private individuals in this context).
- I do not require communications relating to anything other than the development of home education policy and guidance.
- I require copies of data which relate to the development of elective home education policy and guidance since 2017
- I require copies of data which relate to the development of elective home education policy and guidance since 2017

Our response

In our letter to you of 16 September, we explained that, from our preliminary assessment, we estimated that it would 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. Accordingly, and in line with our

obligations under section 16 of the Freedom of Information Act, we invited you to try and narrow your request down so as to bring it below the limit.

From your response of the same date, we do not believe your request has been sufficiently narrowed so as to exclude section 12. Your request alone for:

All communications made by Welsh Government Ministers and staff relating to home education policy and guidance development not covered by points 1-3 between 1st January 2017 and today's date

relates to an extremely large volume of information that could exist in both hard and electronic formats in a number of areas across Welsh Government. As per our original response, we have identified potentially 5,110 documents that may contain information relevant to this request, but this is from a preliminary search and is not necessarily the totality of what we may hold; to confirm, this figure represents 'communications' rather than 'letters' and covers all external and internal communications that 'relate' to home education policy and guidance development.

Further, your latest response now asks for:

copies of data which relate to the development of elective home education policy and guidance since 2017

which further extends the range of your request wider than just 'communications'; you are now seeking all information relating to this policy since 2017.

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.

Therefore as processing this request would exceed the appropriate limit for handling this request, we are refusing your request under section 12 of the Freedom of Information Act.

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

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,