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FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate (the Directorate) on 6 February 2019.

The documents you have requested are:

1. *A copy of the full Theodore Primary School external school review 2018*
2. *Documents generated or received by the directorate (including meeting minutes, correspondence and reports) during Theodore Primary's 2018 school review via the school improvement tool and ongoing work between the school and ACER*
3. *A copy of Theodore Primary's 2017 and 2018 (if complete) school board annual reports*
4. *A copy of the 2018, 2017, 2016 and 2015 school satisfaction surveys at Theodore Primary School*
5. *Reports of student accidents/incidents at Theodore Primary School between 1 January 2017 and 6 February 2019.*
6. *Documents and correspondence within the directorate or between the directorate and Theodore Primary School related to student incidents at Theodore Primary school, especially involving injury (including emails, letters of action, meeting minutes)*
7. *A copy of The Canberra Public Schools "Compliance Checklist" (referred to in the Caple Review)*
8. *A copy of the Safe and Supportive Schools Procedure A and B*
9. *The Positive Behaviour Support Plan (referred to in the Caple Review)*

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

The Education Directorate was required to provide a decision on your access application by 6 March 2019. On 5 March 2019 you agreed to a staged release of documents with Stage 1 addressing points 1, 3, 4, 7, 8 and 9 of your request being released on 6 March 2019, and Stage 2 addressing points, 2, 5 and 6 to be released on or before 22 March 2019. Thank you for agreeing to this approach. Your consideration is greatly appreciated.

This letter relates to the decision and documents for Stage 1.

Decision on access

Searches were completed for relevant documents and three documents that were not publicly available were identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access to the documents relevant to your request as follows:

- full access to two documents;
- not release one document.

For documents where access is partially provided, I have decided that they contain information that I consider to be contrary to the public interest to disclose, or would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act, or is outside the scope of your request. Access is partially provided to these documents under section 50 of the Act.

My access decisions are detailed further in the following statement of reasons.

Material considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 17 and 50, and schedule 2;
- the content of the documents that fall within the scope of your request; and
- information that is publicly available.

Reasons for decision

1. Theodore Primary School External Review 2018

I have considered the document that is relevant to this part of your request in accordance with the public interest test at section 17 of the Act.

I have determined that the public interest factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the information could reasonably be expected to:

- promote open discussion of public affairs and enhance the government's accountability (Schedule 2.1(a)(i)); or
- contribute to positive and informed debate on important issues or matters of public interest (Schedule 2.1(a)(ii))

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the Act, is that the information could reasonably be expected to prejudice an agency's ability to obtain confidential information (Schedule 2.2(b)(xii)).

I have considered the factors favouring disclosure and the factors favouring non-disclosure.

I have concluded that the report was prepared for the confidential use of the school and its release would compromise the Directorate's ability to obtain confidential information of this nature in the future. Therefore, I have determined that the factor favouring non-disclosure outweighs the factors favouring disclosure and that the document is not to be released.

3. Theodore Primary Annual School Board Reports

The Theodore Primary School annual school board report for 2017 requested is publicly available on the school's website at http://www.cms1.ed.act.edu.au/__data/assets/pdf_file/0009/439317/Theodore_Primary_School_Annual_School_Board_Report_2017.pdf.

The 2018 report is not yet available and is due to be published on the school's website by 27 May.

4. Theodore Primary School Satisfaction Surveys

The Theodore Primary school satisfaction surveys for 2015 to 2018 requested are publicly available on the school's website in the annual school board reports at http://www.theops.act.edu.au/our_school2/school_board.

7. Compliance Checklist

This document is released in full.

8. Safe and Supportive Schools Procedures A and B

The documents requested are publicly available on the Directorate's website at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/wellbeing/safety/safe-and-supportive-schools-policy (under the heading of Implementation Documents refer to Safe and Supportive Schools Procedures (top of list))

9. Positive Behaviour Support Plan

The document is released in full.

Charges

Processing charges do not apply to this stage of your request because the number of pages released is around 50.

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and documents released to you in response to your access application is required to be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Personal information of the applicant is not published in the disclosure log.

You may view the Directorate's disclosure log at https://www.education.act.gov.au/about_us/freedom_of_information/disclosure-log.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the Directorate's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact the Directorate's FOI Coordinator on 02 6205 0720 or email EDULegalLiaison@act.gov.au.

Yours sincerely,



Danielle Krajina
Information Officer

6 March 2019