

27 January 2017

[REDACTED]

Re: FOI Request 15/2017

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this body:

Copy of all submissions/correspondence to the Department since January 1, 2016 re policy on school uniforms.

I, Martin McLoughlin, Assistant Principal Officer have now made a final decision to refuse your request on 27 January 2017.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all the records covered by your request;
2. An explanation of the relevant findings concerning the records to which access is denied, and
3. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release.

2. Findings, particulars and reasons for decisions to deny access

The Sections of the Act which can apply to deny access to documents are known as its exemption provisions. I have decided to refuse access to all 16 documents under Section 29 (1) (a) and Section 29 (1) (b) of the FOI Act, 2014:

29. (1) A head may refuse to grant an FOI request –

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a members of the body or of the staff of the body for the purposes of those processes) and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest.

The Action Plan for Education (Action no. 86) sets out that the Department will issue a new circular to school authorities and ETBs regarding school uniform policy and other costs and the need to put a greater emphasis on reducing the cost of school uniforms and other costs, the views of the National Parents Councils and other Education Partners will be considered and will feed into the development of the circular. The indicative timeline for this action is Q4 2016/ Q1 2017.

As part of the consultation process, in October 2016 the Department wrote to the main education partners inviting their observations, comments or suggestions in relation to developing a new circular letter regarding school uniform policy and other associated costs. These submissions have now been received and are under active consideration within the Department.

The deliberative process to finalise and publish the measures to be adopted by schools to reduce the cost of school uniforms is still underway within the Department.

I examined the public interest considerations in relation to this FOI request. It is clear that there has been no final decision on the content or nature of any new Circular letter (or other measures) regarding school uniform policy and other costs. The deliberative process, including the examination of all the submissions received on the matter, is still ongoing

within the Department. It is clear that the Department is still very much in the pre-decisional stage in relation to the proposed Action as set out in the Action Plan for Education.

The release of records before any decision is made would impair a future decision and premature release of records could contaminate the decision making process.

As the Department is still very much in the deliberative pre-decisional stage, on balance, I have decided that the public interest claims support the decision not to disclose the records at this time.

3. Right of appeal

You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1. Your correspondence should include a fee of €30 for processing the appeal. Payment should be made by way of personal cheque or postal money order made payable to the accountant in the Department of Education and Skills. Please note the Department of Education and Skills no longer accept cheque payments from business users. For further information regarding payment methods for business users, please email foi@education.gov.ie

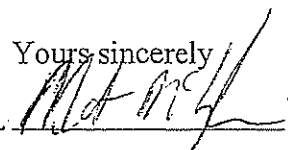
You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Publication

All non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education and Skills website in due course.

Should you wish to discuss the above, please contact me by telephone at 090 6483959.

Yours sincerely



Martin McLoughlin

Assistant Principal Officer