

## Resources, Governance and Organisation

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Our Ref: 2016/6906 Your Ref:

Date: 12/01/2017

If phoning or calling ask for Mrs Deborah McVey

Carolyn Lochhead

**Sent by Email**

Dear Ms Lochhead

### **REQUEST FOR INFORMATION 2016/6906**

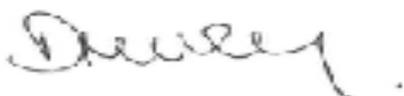
Thank you for your information enquiry, relating to the children attending nursery, received on 9<sup>th</sup> December 2016. Due to the nature of your request, it has been dealt with under the Freedom of Information (Scotland) Act 2002.

I now attach the Council's response which I trust will be of assistance to you.

If you are dissatisfied with the handling of your request you can ask for a review. A request for a review must be submitted within 40 working days and should be put in writing to Deborah McVey, Information and Governance Team Leader, South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Tel: 01292 612223, Email: [foi@south-ayrshire.gov.uk](mailto:foi@south-ayrshire.gov.uk). If you remain dissatisfied after a review, you have the right to apply to the Scottish Information Commissioner for a decision. This must be submitted within 6 months after the review and should be put in writing to the Scottish Information Commissioner. The preferred method of appeal is to submit your application online to the Scottish Information Commissioner Website: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal). If you do not wish to submit your application online you can also send your appeal in writing to the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St. Andrews, Fife KY16 9DS, Tel: 01334 464610 or by email at: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info).

Further information on your right to ask for a review and to apply to the Scottish Information Commissioner is given in the enclosed Information Sheet.

Yours sincerely



DEBORAH McVEY  
Information and Governance Team Leader

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**1. With which of your neighbouring local authorities do you have reciprocal agreements to fund children attending nursery out of their home area?**

We generally have reciprocal arrangements with all local authorities except for East Ayrshire where children are accessing a partnership nursery. This is due to the significant imbalance of numbers of East Ayrshire children accessing places in South Ayrshire nurseries.

**2. Do you fund all eligible children attending nursery in your area whose home address is in a neighbouring council area?**

Local authority nurseries are accessible free to all children from outside the authority.

**3. Do you pay parents of children at partnership nurseries in advance or in arrears?**

We pay the partnership nurseries in arrears- not parents.

**4. What is the total occupancy rate of 3-5 year olds for your council's nurseries?**

This information fluctuates across the year. Please see attached spreadsheet.

**5. What percentage of children in your council's nurseries come from households where both households are working?**

This information is not recorded by South Ayrshire Council and this paragraph therefore acts as a refusal notice under Section 17 of the Freedom of Information (Scotland) Act 2002 that this information is not held.

**6. What information do you collect about the social and economic profile of children in your council's nurseries?**

We collect SIMD data.

**7. What data do you hold on the number of mothers in your council's area who return to work when their child starts nursery?**

This information is not recorded by South Ayrshire Council and this paragraph therefore acts as a refusal notice under Section 17 of the Freedom of Information (Scotland) Act 2002 that this information is not held.

**SOUTH AYRSHIRE COUNCIL INFORMATION SHEET**  
**THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**  
**YOUR RIGHTS TO REQUIRE A REVIEW AND**  
**APPLY TO THE SCOTTISH INFORMATION COMMISSIONER**

**REQUIRING A REVIEW**

**When can you require a review?**

South Ayrshire Council hopes that you are satisfied with the outcome of your information request. In the event, however, that you are dissatisfied with the way in which your request has been handled, you have the right to require the Council to review its actions and decisions in relation to your request (this is called a "requirement for review").

**How to submit a requirement for review**

A requirement for review must:

- Be submitted in writing (which includes an e- mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
- State your name and an address for correspondence;
- Give details of:
  - (a) the request for information that you wish to be reviewed; and
  - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request.

A requirement for review must be received by the Council no later than 40 working days after either:

- The expiry of the time- limit imposed on the Council for complying with your request for information; or
- Where the Council provides information, or issues a fees notice, or a refusal notice, or a notice that information is not held, but does so after the time- limit has expired, the date on which you receive the information or the notice.

If appropriate, the Council may comply with a requirement for review made after expiry of the time- limits.

For the purposes of calculating the time- limits, "working day" means any day other than a Saturday, a Sunday, Christmas Day or a day which, under the Banking and Financial Dealings Act 1971, is a bank holiday in Scotland.

The Council does not have to comply with a requirement for a review if the requirement is vexatious or it relates to a repeated request made by the same person which is identical or substantially similar to a previous request that has been dealt with, unless a reasonable period of time has elapsed between the making of the original request and the making of the repeated request.

**The Council's Decision on Review**

The Council must comply promptly with a requirement for review.

At the review, the Council may:

- Confirm its original decision, with or without modification;
- Substitute a different decision; or
- Reach a decision, where the complaint is that no decision has been reached.

You will receive written notice of the Council's decision and a statement of its reasons for the decision, no later than 20 working days after the Council receives the requirement for a review. You may withdraw your requirement for review at any time before the Council makes its decision.

**Where to send your requirement for a review:**

If you wish to submit a requirement for review, please send this to: **FOI Team, South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Email: [FOI@south-ayrshire.gov.uk](mailto:FOI@south-ayrshire.gov.uk).**

## APPLYING TO THE SCOTTISH INFORMATION COMMISSIONER FOR A DECISION

### When can you apply for a decision by the Commissioner?

If, having asked the Council to review its actions and decisions in relation to your request for information, you are either dissatisfied with the outcome of the review as notified to you by the Council, or if the Council has failed to notify you of the outcome of a review, you may apply to the Scottish Information Commissioner ("the Commissioner") for a decision as to whether the Council has dealt with your request for information in accordance with Part 1 of the Freedom of Information (Scotland) Act 2002.

### How to submit an application to the Commissioner

Any application to the Commissioner must:

- Be submitted in writing (which includes an e- mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
- State your name and an address for correspondence;
- Give details of:
  - (a) the request for information to which the requirement for review relates;
  - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request; and
  - (c) the reason(s) why you are dissatisfied with the outcome of your requirement for a review or with a failure to notify you of the outcome of a review.

Any application to the Commissioner must be made no later than 6 months after either:

- you receive notice from the Council of the outcome of the review, or
- the expiry of the time- limit imposed on the Council for complying with a requirement for a review.

If appropriate, the Commissioner may consider an application made after the expiry of these time-limits.

### The Commissioner's Decision

The Commissioner will contact the Council and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

You have a right of appeal to the Court of Session against the Commissioner's decision, on a point of law only.

### Where to send your application to the Commissioner

An application to the Commissioner can be submitted online at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal). If you do not wish to submit your application online you can also send your appeal in writing to the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St. Andrews, Fife KY16 9DS, Tel: 01334 464610 or by email at: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info).