

ANNEX A

FOI REVIEW 202200326429: REASONS FOR NOT PROVIDING INFORMATION

An exemption applies

An exemption under section s.38(1)(b) of FOISA applies to some of the information you have requested. This exemption relates to personal information, in this case the names of more junior officials and staff members. Disclosing this information would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption applies, subject to the public interest test

An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the formulation and development of the Scottish Government's policy in relation to organisational reform of national education bodies.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in release because of the importance and profile of the Education Reform programme and the importance of wider public understanding of the decision-making that underpins it, in order to inform public debate.

However, in this case there is greater public interest in high quality policy and decision-making, through maintaining a space where options in the development of policy can be freely considered, in particular before advice is offered to Ministers and decisions made.

Disclosing such information could be harmful to relationships important to the successful delivery of the education reform programme, particularly where options have subsequently not been taken forward and / or frank views on risks and the benefits or otherwise of different courses of action have been expressed. Candour in doing so will be affected by assessment of whether deliberations on these matters will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.

ANNEX B

LIST OF BOARD MEETING PAPERS

Abbreviations: ER – education reform; PB – programme board; BTL – below the line; TOR – terms of reference; PID – project initiation document; P&L – policy and legislation; A&I – agency and inspectorate; QB – qualifications body.

Paper No.	Board	Meeting	Paper	Comments
1.	Programme Board	1 [14/12/21]	Paper 1 - agenda	
2.	Programme Board	1 [14/12/21]	Paper 2 – ER Prog Board TOR	
3.	Programme Board	1 [14/12/21]	Paper 3 – ER Prog Aims and Objectives	
4.	Programme Board	1 [14/12/21]	Paper 4 – ER Prog internal SG governance model	
5.	Programme Board	1 [14/12/21]	Paper 5 – Risk heatmap and top risks	
6.	Programme Board	1 [14/12/21]	BTL paper 1 – Education reform high level plan	
7.	Programme Board	2 [02/02/22]	Paper 1 – agenda	
8.	Programme Board	2 [02/02/22]	Paper 2 – minutes of PB 1	Some minutes not identical to published versions.
9.	Programme Board	2 [02/02/22]	Paper 3 – action log	
10.	Programme Board	2 [02/02/22]	Unnumbered paper – preview of Prof Muir report outcomes	
11.	Programme Board	2 [02/02/22]	Paper 4 – draft decision-making criteria	
12.	Programme Board	2 [02/02/22]	Paper 5 – programme risk and issue deep dive	
13.	Programme Board	2 [02/02/22]	BTL paper 1 – ER high level plan	
14.	Programme Board	2 [02/02/22]	BTL paper 2 – ER Prog Board TOR	
15.	Programme Board	2 [02/02/22]	BTL paper 3 – risk heatmap and top risks	
16.	Programme Board	3 [15/03/22]	Paper 1 - agenda	
17.	Programme Board	3 [15/03/22]	Paper 2 – minute of PB meeting 2	Some minutes not identical to published versions.
18.	Programme Board	3 [15/03/22]	Paper 3 – PB action log	

19.	Programme Board	3 [15/03/22)	Paper 4 – Decision criteria workshop update	
20.	Programme Board	3 [15/03/22)	Paper 5 – SG response to Prof Muir report	
21.	Programme Board	3 [15/03/22)	Paper 6 – Prof Muir report summary of recommendations	
22.	Programme Board	3 [15/03/22)	Paper 7 – ER Prog Board Dashboard	
23.	Programme Board	3 [15/03/22)	Paper 8 – risk heatmap and top risks	
24.	Programme Board	3 [15/03/22)	BTL paper 1 – ER high level plan	
25.	Programme Board	3 [15/03/22)	BTL paper 2 – risk management strategy	
26.	Programme Board	3 [15/03/22)	BTL paper 3 – ER prog board TOR	
27.	Programme Board	4 [26/04/22]	Paper 1 – agenda	
28.	Programme Board	4 [26/04/22]	Paper 2 – minutes of PB3	Some minutes not identical to published versions.
29.	Programme Board	4 [26/04/22]	Paper 3 – PB action log	
30.	Programme Board	4 [26/04/22]	Paper 4 – education reform resourcing plan	
31.	Programme Board	4 [26/04/22]	Paper 5 – Development of structural reform business case	
32.	Programme Board	4 [26/04/22]	Paper 6 – ER PB dashboard April 2022	
33.	Programme Board	4 [26/04/22]	Paper 7 - risk heatmap and top risks	
34.	Programme Board	4 [26/04/22]	BTL paper 1 – ER – high level plan	
35.	Programme Board	4 [26/04/22]	BTL paper 2 – ER PB TOR	
36.	Programme Board	5 [07/06/22]	Paper 1 – agenda	
37.	Programme Board	5 [07/06/22]	Paper 2 – minutes of PB4	Some minutes not identical to published versions.
38.	Programme Board	5 [07/06/22]	Unnumbered paper – guidance on RAG status	Embedded within PB4 minutes, as circulated for PB5.
39.	Programme Board	5 [07/06/22]	Paper 3 – action log	
40.	Programme Board	5 [07/06/22]	Paper 5 – ER initial commissioning approach	

41.	Programme Board	5 [07/06/22]	Paper 6 – ER PB dashboard	
42.	Programme Board	5 [07/06/22]	Paper 7 – risk heatmap and top risks	
43.	Programme Board	5 [07/06/22]	BTL paper 1 – new inspectorate PID	
44.	Programme Board	5 [07/06/22]	BTL paper 2 – ER – high level plan	
45.	Programme Board	5 [07/06/22]	BTL paper 3 – ER PB TOR	
46.	Programme Board	Paper shared outwith meeting [24/06/22]	Comms and engagement strategy	
47.	Programme Board	6 [16/08/22]	Paper 1 – agenda	
48.	Programme Board	6 [16/08/22]	Paper 2 – minutes of PB5	Some minutes not identical to published versions.
49.	Programme Board	6 [16/08/22]	Paper 3 – PB action log	
50.	Programme Board	6 [16/08/22]	Paper 4 – ER prog risk management strategy	
51.	Programme Board	6 [16/08/22]	Paper 5 – risk deep dive	
52.	Programme Board	6 [16/08/22]	Paper 6 – comms and engagement update	
53.	Programme Board	6 [16/08/22]	Paper 7 – programme dashboard	
54.	Programme Board	6 [16/08/22]	BTL paper 1 – policy & legislation PID	
55.	Programme Board	6 [16/08/22]	BTL paper 2 – national agency PID	
56.	Programme Board	6 [16/08/22]	BTL paper 3 – quals body PID	
57.	Programme Board	6 [16/08/22]	BTL paper 4 – risk heatmap and top risks	
58.	Programme Board	6 [16/08/22]	BTL paper 5 – ER PB TOR	
59.	Programme Board	6 [16/08/22]	BTL paper 6 – high level plan	
60.	Programme Board	6 [16/08/22]	BTL paper 7 – delivery board membership	Already published
61.	P&L Delivery Board	1 [02/08/22]	Paper 1 – agenda	
62.	P&L Delivery Board	1 [02/08/22]	Paper 2 – programme commissioning approach	Duplicate of PB5 paper 5
63.	P&L Delivery Board	1 [02/08/22]	Paper 3 – P&L delivery board TOR	

64.	P&L Delivery Board	1 [02/08/22]	Paper 4 – P&L PID	Duplicate of PB 6, BTL paper 1
65.	P&L Delivery Board	1 [02/08/22]	BTL paper 1 – new agency PID	Duplicate of PB 6, BTL paper 2
66.	P&L Delivery Board	1 [02/08/22]	BTL paper 2 – inspectorate PID	
67.	P&L Delivery Board	1 [02/08/22]	BTL paper 3 – quals body PID	
68.	P&L Delivery Board	1 [02/08/22]	BTL paper 4 – programme strategic outline case	Duplicate of paper 118 – see separate paper
69.	P&L Delivery Board	2 [01/09/22]	Paper 1 – agenda	
70.	P&L Delivery Board	2 [01/09/22]	Paper 2 – minutes from DB1	Some minutes not identical to published versions.
71.	P&L Delivery Board	2 [01/09/22]	Paper 3 – action log	
72.	P&L Delivery Board	2 [01/09/22]	Paper 4 – comms & engagement approach	
73.	P&L Delivery Board	2 [01/09/22]	Paper 5 – TOM toolkit	
74.	P&L Delivery Board	2 [01/09/22]	BTL paper 1 – draft highlight report	
75.	P&L Delivery Board	2 [01/09/22]	BTL paper 2 – programme dashboard	Duplicate of PB 6, paper 7
76.	P&L Delivery Board	2 [01/09/22]	BTL paper 3 – risk management strategy	
77.	P&L Delivery Board	2 [01/09/22]	BTL paper 4 – code of conduct	
78.	P&L Delivery Board	2 [01/09/22]	BTL paper 5 – Delivery Board members	
79.	A&I Delivery Board	1 [07/07/22]	Paper 1 - Agenda	
80.	A&I Delivery Board	1 [07/07/22]	Paper 2 - SG reform programme governance	
81.	A&I Delivery Board	1 [07/07/22]	Paper 3 - ES approach to delivery	
82.	A&I Delivery Board	1 [07/07/22]	Paper 4 - Inspectorate PID	
83.	A&I Delivery Board	1 [07/07/22]	Paper 5 - Agency PID	
84.	A&I Delivery Board	2 [28/07/22]	Paper 1 - Agenda	
85.	A&I Delivery Board	2 [28/07/22]	Paper 2 - Minutes of DB1	Some minutes not identical to published versions.

86.	A&I Delivery Board	2 [28/07/22]	Paper 3 - Action & decisions log	
87.	A&I Delivery Board	2 [28/07/22]	Paper 4 - SG reform programme governance	Duplicate of A&I DB paper 2
88.	A&I Delivery Board	2 [28/07/22]	Paper 5 – ES approach to delivery	
89.	A&I Delivery Board	2 [28/07/22]	Paper 6 – National Agency PID	Duplicate of paper 83
90.	A&I Delivery Board	2 [28/07/22]	Paper 7 - Inspectorate PID	Duplicate of paper 82
91.	A&I Delivery Board	2 [28/07/22]	Paper 8 – inspectorate highlight report	
92.	A&I Delivery Board	2 [28/07/22]	Paper 9 – agency highlight report	
93.	A&I Delivery Board	2 [28/07/22]	Paper 10 – risk cover paper	
94.	A&I Delivery Board	2 [28/07/22]	Paper 11 – risk register	
95.	A&I Delivery Board	3 [01/09/22]	Paper 1 - agenda	
96.	A&I Delivery Board	3 [01/09/22]	Paper 2 – minutes of DB2	Some minutes not identical to published versions.
97.	A&I Delivery Board	3 [01/09/22]	Paper 3 – action and decisions log	
97A	A&I Delivery Board	3 [01/09/22]	Paper 4 – risk cover paper	
97B	A&I Delivery Board	3 [01/09/22]	Paper 5 – risk and issue log	
98.	A&I Delivery Board	3 [01/09/22]	Paper 4 – finance update	
99.	A&I Delivery Board	3 [01/09/22]	Paper 5 – agency highlight report	
100.	A&I Delivery Board	3 [01/09/22]	Paper 6 – inspectorate highlight report	
101.	A&I Delivery Board	3 [01/09/22]	Paper 7 – internal audit ToR	
102.	QB Delivery Board	1 [18/08/22]	Paper 1 - agenda	
103.	QB Delivery Board	1 [18/08/22]	Paper 2 – ToR for Delivery Board	
104.	QB Delivery Board	1 [18/08/22]	Paper 3 – QB programme dashboard	
105.	QB Delivery Board	1 [18/08/22]	Paper 4 – draft prog structure for delivery phase	
106.	QB Delivery Board	1 [18/08/22]	Paper 5 - quals body PID	Duplicate of PB 6, BTL paper 3
107.	QB Delivery Board	1 [18/08/22]	Paper 6 – draft QBR prog risks and issues	

108.	QB Delivery Board	2 [13/08/22]	Paper 1 - agenda	
109.	QB Delivery Board	2 [13/08/22]	Paper 2 – previous minutes	Some minutes not identical to published versions.
110.	QB Delivery Board	2 [13/08/22]	Paper 3 – action log	
111.	QB Delivery Board	2 [13/08/22]	Paper 4 – QB prog dashboard	
112.	QB Delivery Board	2 [13/08/22]	Paper 5 – QBR prog risks and issues update	
113.	QB Delivery Board	2 [13/08/22]	Paper 6 – QBR prog highlight report	
114.	QB Delivery Board	2 [13/08/22]	Paper 7 – appendix 1 – ER prog governance arrangements	
115.	QB Delivery Board	2 [13/08/22]	Paper 8 – appendix 2 – Qu body reform prog change lifecycle	
116.	QB Delivery Board	2 [13/08/22]	Paper 9 – appendix 3 – ToR for delivery board	
117.	QB Delivery Board	2 [13/08/22]	Paper 10 – appendix 4 – glossary	
117A	QB Delivery Board	2 [13/08/22]	SWOT analysis of current operating model	Sent separately to other papers
118.	Programme Board	5 [07/06/22]	Paper 4 – issued separately – draft Strategic Outline Case [May 2022]	