



Information Governance Team

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI497109251

Thank you for your request for information relating to SEND.

You have requested the following information:

1. Within your local authority, which directorate has responsibility for SEND Mediation services?

Education and Skills.

2. Who is your current mediation provider?

KIDS.

3. What is the contract term of that provider? (start date and end date)

West Midlands framework. The roll on contract is currently under review for retendering process.

4. What is the value of the current contract in total or per year?

The contract is based on a spot purchase fixed price.

In regards to the price, it is confirmed that the Council does hold information pursuant to your request. However, it is our view that the information is exempt from disclosure under Section 43(2) – Commercially Sensitive Information. Section 43(2) exempts information from disclosure where

disclosure of that information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

It is the Council's position that the third-party providers and its own commercial interests would be prejudiced and/or would be likely to be prejudiced by the disclosure of the requested information.

Once the information is disclosed this means that it will be in the public domain and it could not only be used by the requester but also any other providers in a similar market.

Arguments in favour of disclosure.

- Promote accountability and transparency for the Council's decisions and in its spending of public money.
- Assist the public to understand and challenge our decisions.
- Inform the public of the activities carried out on their behalf, allowing for more user involvement and collaborative decision making.
- Enable the public to better scrutinise the public monies spent

Arguments against disclosure.

- There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment.
- The successful providers operate in a competitive market. If prejudicing the commercial interests of the successful providers in the market would distort competition in that market, this would not be in the public interest.
- Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council.
- Revealing information such as a pricing mechanism can be detrimental to a provider's commercial interest. If an organisation has knowledge of a provider's business model, it can exploit this for its own commercial interest. This would also have a detrimental impact on the Council on other contracts and procurements by distorting the market, for the reasons stated above.

Having considered the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exemption under section 43(2) FOIA and by not disclosing the information requested.

The decision to withhold the information requested is therefore upheld on the basis that Section 43(2) in relation to commercially sensitive information has been applied correctly.

5. How many referrals has the current provider received each year or over a specific period?

We confirm that we do not hold this information and are advising you as per Section 1(1) of the Act. Parents make the referral themselves and use the information on the Local Offer and within our decision letters to decide which mediation service to use.

6. When the current contract term ends, what is your commissioning process to award the next contract, in particular where do you advertise tender opportunities?

This is currently under review by West Midlands' Local Authorities. It is not intended to replace

current providers but to extend the number of suitable providers on the framework.

Current tender opportunities are advertised at the link below:

<http://www.csw-jets.co.uk/>

7. At what point in the current contract would you advertise? For example, a month before the end of the contract, 3 months before the end of the contract etc.

To be determined through the regional commissioning framework, however any provider that meets the quality framework can apply at any point to be added to the list of suitable contractors.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance