

Your ref: n/a  
My ref: SA/sa/C29542

**Resources Group  
Legal Services**  
Shire Hall, Warwick, CV34 4RL  
DX 723362 Warwick 5

**Samantha Amphlett**  
Trainee Solicitor  
  
Tel: 01926 418288  
Fax: 01926 413704  
Email:  
samanthaamphlett@warwickshire.gov.uk  
www.warwickshire.gov.uk/wls

XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXX  
XXXXXXXXXX

**By First Class Post and email: XXXXXXXX**

16 April 2014

Dear XXXXXXXX

**Request for Information – Freedom of Information Act 2000**

Your request for information has now been considered and I am able to provide you with some of the information you have requested. I am afraid that we are not able to provide some of the information you have requested and I have provided reasons for this below.

- 1. Please inform me of the total cost paid to Durham University's CEM Centre for Evaluation and Monitoring over the last 5 years for 11+ testing, broken down by year.**
- 2. Please inform me the current cost per additional paper that has to be marked, eg if 1000 extra candidates sit the test, what is the extra cost?**
- 3. Else what was the cost per additional paper last year?**

I am afraid that the Council cannot provide you with this information. After due consideration, the Council considers that the public interest in withholding the information outweighs the public interest in disclosing it.

In accordance with section 17 of the Freedom of Information Act 2000 please treat this letter as a Public Interest Refusal Notice.

The exemption applied is **Section 43** of the Freedom of Information Act 2000 (Commercial Interests).

This exemption applies because it would prejudice the commercial interests of Durham University to make this information public. We have liaised with the CEM at Durham University who believes disclosure of the costing information requested in questions 1-3 would substantially prejudice the University's commercial interests by weakening its current position by allowing competitors and other third parties to fully understand their unique discount structure. Not only could disclosure result in competitors gaining an unfair market advantage, it would inhibit the University's negotiating position with schools in the

future and undermine their position in this specialist market. The Council has considered these representations made by the University and agrees that disclosure could prejudice their commercial interests for the reasons stated and is therefore exempt under the Act.

#### Application of the public interest test to this exemption

Although the Council does recognise that there are arguments in favour of disclosure, such as:

- transparency about how public funds are used; and
- enabling public scrutiny to ensure that the Council is securing the best use of public resources;

it considers that in all the circumstances, on balance the public interest favours withholding the information at this time. This is because it is not in the public interest to give the University's commercial competitors an unfair advantage in the market and prejudice its negotiating position in the future.

#### **4. What formula is used to distribute the cost of testing between grammar schools?**

The cost charged to grammar schools is based on their Published Admission Number plus a flat rate charge.

#### **5. Please provide me with any evidence the University of Durham provided to WCC claiming that its tests were resistant to preparation.**

#### **6. Were trials undertaken eg 2 groups of children, with one group tutored for one year and one group not and then their results compared?**

I am afraid that we do not hold the information requested under questions 5 & 6 and are therefore unable to provide this for you.

#### What to do if you are not happy with this response

You have the right to request that the County Council carry out an internal review if you are not satisfied with the way your request was dealt with or wish to appeal the decision. A request for an internal review should be made in writing and addressed to me at the address above. All requests for an internal review will be dealt with under the County Council's internal review procedure.

If you are not satisfied with the outcome of the internal review you may appeal to the Information Commissioner's Office, at the following address:

FOI Compliance Team (complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

Yours sincerely

Samantha Amphlett