

16 September 2025

Dear

FOI Response

Thank you for your emails received on 18 August 2025 and 21 August 2025, in which you formally request information in relation to the Equality Act 2010 compliance and asked for:

1. Equality Act 2010 Compliance

- Copies of any updated policies, inspection frameworks, internal guidance, or training materials produced or revised since April 2025 in response to the Supreme Court ruling.
- Details of Estyn's internal compliance with the Equality Act 2010 (including staff policies, training, and equality impact assessments).
- How Estyn inspects and reports on the compliance of schools, colleges, and training providers with their Public Sector Equality Duty (PSED) obligations.
- Any position statements or legal advice held by Estyn confirming its understanding of the ruling's binding effect.

2. Safeguarding and Sex-Based Rights

- Guidance, training materials, or inspection criteria covering safeguarding, single-sex provision, and protection of pupils/students in line with the Equality Act 2010.
- Extracts or case examples from inspection reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision.
- Any risk assessments or reviews where safeguarding was identified as intersecting with equality law duties.

3. Compelled Belief and Ideological Neutrality

- Copies of any inspection frameworks, training materials, internal correspondence, or policy discussions concerning compelled belief, ideological neutrality, or freedom of belief within schools and colleges.
- This includes, for example, treatment of gender identity policies, compelled speech, or the suppression of lawful views.

4. Immigration, Residency, and Resource Safeguarding

- To the extent Estyn holds such information within its remit, copies of any inspection frameworks, reviews, or correspondence addressing monitoring of residency/immigration eligibility criteria in the provision of education and training.
- Any inspection guidance referring to the safeguarding of public resources in relation to student support eligibility.

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Estyn welcomes correspondence in both English and Welsh. Correspondence received in either language will be given equal priority.

5. Public Spending, Governance, and Efficiency

- Copies of any inspection frameworks, reports, or findings since 2022 addressing the intersection of equality/safeguarding with governance, financial oversight, or efficient use of public funds.
- Guidance issued to inspectors on identifying misuse of resources or failures of governance linked to equality or safeguarding compliance.

6. Accountability and Remedy

- Details of the officials, committees, or directorates within Estyn responsible for ensuring compliance with the Equality Act 2010 and safeguarding law.
- Any records of failures, gaps, or non-compliance identified within Estyn itself or in the education/training providers it inspects, and the steps taken in response.
- Confirmation of Estyn's accountability mechanisms to Welsh Government and to Parliament in relation to these matters.
- Where failings have been identified, please provide Estyn's plans, timelines, and commitments for remedy.

I note the priority areas you require to be answered are:

- Equality Act 2010 compliance (Q1),
- Safeguarding and sex-based rights (Q2), and
- Immigration, residency, and resource safeguarding (Q4) — insofar as Estyn holds information relevant to funding eligibility, safeguarding of resources, and inspection frameworks.

Our response

Our response is set out below:

1. Equality Act 2010 Compliance

- We confirm that we hold this information: Estyn revised our key report "[Celebrating diversity and promoting inclusion](#)" in June 2025 in response to the Supreme Court ruling. See the section on legislative framework. We will consider the implications of the Supreme Court ruling as part of the regular update of all our policy and guidance documentation.
- We confirm that we hold this information:
 - Estyn works towards the [Estyn Strategic Equality Plan 2024-2028](#) – published April 2024. Our annual equality report reviews our progress in line with our responsibilities under the Public Sector Equality Duty. [Estyn Annual Equality Report 2025](#).
 - Estyn have a range of staff policies available on our website [Corporate policies - Estyn](#) covering issues such as health and wellbeing, equality and diversity and employment.
 - In March 2025, we provided practical assistance to staff in carrying out an equality impact assessment with training delivered by Diverse Cymru/Adferiad. This is being rolled out more widely during 2025 and will incorporate the implications of the Supreme Court ruling.
- We confirm that we hold this information: Estyn produce [Inspection guidance resources](#) that include how we inspect and what we inspect for each sector in line with our current inspections arrangements. These include the principles of our work and our mind-set. The guidance and our strategic equality plan reflect our commitment to the Public Sector Equality Duty. I also refer you again to our report "Celebrating diversity and promoting inclusion".

- We confirm that we hold this information: In relation to legal advice, an exemption will apply to this information as it is privileged information between lawyer/client (Section 42 FOIA).
- We confirm that we hold this information, we consider that this legal advice is information in respect of which a claim to legal professional privilege would be maintain in legal proceedings and as such is exempt information under section 42 of FOIA. This exemption is qualified and therefore subject to the public interest test. While Estyn recognises the inherent public interest in openness and transparency, Estyn also considers there to be an inhered public interest in preserving legal professional privilege and in ensuring that the communications between lawyer and client remain confidential to allow free and frank discussions and exchange of views. Disclosing legal advice could have a chilling effect on future legal advice sought and received by Estyn thus impacting upon Estyn's decision making abilities. We conclude therefore that the public interest in maintaining this exemption, outweighs the public interest in disclosure and this information is withheld under section 42(1) of FOIA.
- We confirm that we hold this information: Estyn supports the Welsh Governments statement on this matter [Written Statement: Supreme Court ruling on the Equality Act 2010 \(29 April 2025\) | GOV.WALES](#).

2. Safeguarding and Sex-Based Rights

- We confirm that we hold this information: Estyn's policy and procedures for safeguarding are available here: [Estyn-Safeguarding-Policy.docx](#).
- We confirm that we hold this information: Estyn's [Inspection guidance resources](#) is published on our website. We also have supplementary guidance: [Supplementary guidance for inspecting Safeguarding in schools and PRUs from September 2024](#) and [Supplementary guidance – Inspecting Safeguarding in post-16 providers - Spring 2024](#).

3. Compelled Belief and Ideological Neutrality

- We confirm that we hold this information: As above, Estyn's [Inspection guidance resources](#) are published on our website.

4. Immigration, Residency, and Resource Safeguarding

- We do not hold this information: Estyn provides educational oversight for certain providers in terms of their Tier 4 visa sponsorship status from UK Visas and Immigration (UKVI) but this doesn't extend to any monitoring of residency/immigration eligibility.

5. Public Spending, Governance, and Efficiency

- We confirm that we hold this information: Our [Supplementary Guidance: Poverty](#), published on our website sets out considerations for inspectors when inspecting how effectively non-maintained settings, schools, PRUs and local government Education services reduce the impact of poverty on educational attainment and wellbeing of pupils eligible for free school meals and/or those from low income households. The guidance sets out that inspection teams should consider how well the school evaluates the impact of its actions in promoting pupil progress and wellbeing (including spend of Early Years Pupil Development Grants (EYPDG) and Pupil Development Grants (PDG)).

6. Accountability and Remedy

- We confirm that we hold this information:
 - Estyn's Corporate Governance Framework of Boards, Committees and Groups can be found here: [Corporate governance framework 2024-2025](#). Our framework ensures compliance with our duties including the Equality Act 2010 and safeguarding law.
 - One of Estyn's Strategic Directors oversees social justice and inclusion (including wellbeing, ALN, poverty and equalities).
 - The Strategic Programmes Director - Central Services is the lead for equality, diversity and inclusion within Estyn assisted by the Equality and Inclusion Group who oversee the delivery of the [Estyn Strategic Equality Plan 2024-2028](#). This Group includes a cross section of Estyn staff. Our annual equality report reviews our progress in line with our responsibilities under the Public Sector Equality Duty. [Estyn Annual Equality Report 2025](#).
 - One of our Assistant Directors Inspection is the lead for safeguarding within Estyn assisted by the Safeguarding Group comprised of a team of designated safeguarding lead officers. All staff have a duty to report any disclosures or concerns they may have about the safety and well-being of children and vulnerable adults with the secretariat team being the first point of contact to log and direct concerns. [Estyn-Safeguarding-Policy.docx](#)

Outstanding requests

In addition to the information outlined above, you have requested:

- Extracts or case examples from inspection reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision.
- Any risk assessments or reviews where safeguarding was identified as intersecting with equality law duties.
- Any records of failures, gaps, or non-compliance identified within Estyn itself or in the education/training providers it inspects, and the steps taken in response.
- Confirmation of Estyn's accountability mechanisms to Welsh Government and to Parliament in relation to these matters.
- Where failings have been identified, please provide Estyn's plans, timelines, and commitments for remedy.

Following a preliminary assessment, we consider that providing the information outlined above in addition to the information already provided, your request would exceed the appropriate limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For public authorities, this limit is £450, which equates to 18 hours of staff time (calculated at £25 per hour). The estimate covers determining whether the information is held and, where it is, locating, retrieving and extracting it. Meeting your request in full would require searches across the whole of Estyn.

By way of illustration, more than 30 sector lead inspectors and corporate policy leads may hold information within (priority or full) scope. We estimate at least one hour per lead to check their policy areas for impacts, longer for our people team considering staff policies, etc, plus any further enquires with legal advisers. On this basis alone, the effort is more than 30 hours of staff time. This does not include time for the Equalities lead to meet leads/teams to clarify policy direction, so the total would be higher. In any event, 30 hours exceeds the 18-hour limit.

In addition, in relation to your point 2 above concerning safeguarding and sex-based rights, to identify whether information is held in relation to extracts or case examples from inspection

reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision, copies of any inspection frameworks, reports, or findings since 2022 addressing the intersection of equality/safeguarding with governance, financial oversight, or efficient use of public funds and risk assessments or reviews where safeguarding was identified as intersecting with equality law duties. Estyn would need to review each document / inspection report individually. We have established that this would again exceed the 'appropriate limit'. For transparency:

- Number of Estyn inspection reports issued 01/04/2022 – 31/03/2025 = 1,223
- Estimated time to review each report for the requested information = approximately 10 minutes per report
- Total estimated time to identify whether such information is held = 204 hours

Accordingly, we are refusing these parts of your request under section 12(1) of the Freedom of Information Act 2000 (cost of compliance exceeds the appropriate limit).

Before submitting a revised request, you may wish to check the information already published on Estyn's website (inspection reports, policies, plans and accounts), as some of what you seek may be available there. If you decide to refine your request, narrowing by date range, business area, document type or specific keywords may help bring it within the cost limit. If you do refine your request in this way, this will be treated as a new request.

If you are not satisfied with the decision Estyn has taken regarding your request for information, you are entitled to request that we review the matter. Your request for a review should be addressed to the Feedback and Complaints Manager, and received no later than 20 working days after the date of this communication.

If you are not satisfied, you also have a right to complain to the Information Commissioner through their website:

<https://ico.org.uk/about-the-ico/who-we-are/wales-office/>

Telephone: 0303 123 1113

Email: enquiries@ico.gsi.gov.uk

Yours sincerely