

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 03 September 2012

Public Authority: Department for Education
Address: Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Decision

1. The complainant made a freedom of information request to the Department for Education (DfE) for information related to a complaint he had previously raised regarding his son's school. The DfE did not respond to the request until contacted by the Commissioner and therefore breached section 10(1) of FOIA by failing to respond within 20 working days.
2. The Commissioner requires no steps to be taken.

Request and response

3. On 14 November 2011 the complainant made a freedom of information request to the Department for Education (DfE) for information related to a complaint he had previously raised regarding his son's school. The request read as follows:

"Enquiry

[Named employee] letter dated 29 August 2008 reference 2008 / 0067 606

[named employee] works in the School Governance Unit / School Resources Group

In her last sentence she stated: -

"I will be contacting [named individual] to inform him that the governing body is required, under Education (Pupil Information) (England) Regulations 2005, to provide the information that you requested, and would expect them to comply accordingly."

[named employee] is refusing to tell me what has happened with regard to the above.

Please investigate and advise."

4. Despite resubmitting his request the complainant received no response from the DfE.

Scope of the case

5. Following the complaint the Commissioner contacted the DfE which then provided the complainant with a response to his request. Therefore the scope of this decision notice is limited to the DfE's failure to respond to the request within the statutory timeframe.

Reasons for decision

6. In this case the DfE had explained that it had not originally interpreted the complainant's enquiry as a request for recorded information. However, the Commissioner's view is that the request should be interpreted as a request for details of the outcome of any contact the DfE had with the complainant's school.
7. Section 10(1) provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. In this case a response was not sent until August 2012 after the DfE was contacted by the Commissioner and as such the DfE breached section 10(1) by failing to respond within 20 working days.

Right of appeal

8. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

9. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
10. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Pamela Clements
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SK9 5AF