

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 April 2012

**Public Authority:** The Governing Body of Cottesloe School  
**Address:** Aylesbury Road  
Wing  
Leighton Buzzard  
Beds  
LU7 0NY

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to meetings of the Governing Body and other administrative information relating to Cottesloe School (the School). The School provided the complainant with information in response to the request however it did not provide a set of Governing Body minutes dated 1 December 2011 as these had not been authorised by the Chair at the time of the request. The School did not provide the information to the complainant until the Commissioner's investigation had commenced. The Complainant has now therefore been provided with the minutes dated 1 December 2011.
2. The Commissioner's decision is that the School breached section 10(1) of the Freedom of Information Act 2000 (FOIA) as it did not provide the Governing Body minutes dated 1 December 2011 within the statutory time for compliance.
3. The Commissioner requires no steps to be taken.

#### Request and response

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4. On 6 January 2012, the complainant wrote to the School and requested information in the following terms:
  - Details of Governor Meetings for the last year. I request meeting minutes for all meetings of the Governing body and associated sub-committees. Additionally, please include board papers issued prior to

the meetings together with material such as PowerPoint presentations used during the meetings.

- The school budget and forward looking projections. I would like to see Income and Expenditure statements for the current year and the projections for the next three academic years. The level of granularity I want to see is that you supply to Buckinghamshire County Council.
- Plans and details related to any proposed changes in the staffing and structuring of the Cottesloe School covering the next three years, such as the TLR structure."

Additionally, there are three other things I require from The Cottesloe School. These are:

- The Complaints Procedure
  - Contact details for the Chair of Governors
  - The Publication Scheme.
5. On 11 January 2012 the School explained that it did intend to provide the complainant with the information requested. This response was effectively an internal review of an earlier response to an identical request made previously by the complainant on 27 October 2011. The School subsequently disclosed information to the complainant.
  6. On 17 January 2012 the complainant wrote to the School to indicate that he considered that some information which he had requested was missing from the School's disclosure.
  7. On 18 January 2012 the School provided the complainant with some further information.
  8. The School had not provided the complainant with a set of Governing Body minutes dated 1 December 2011 which the complainant wished to obtain. The complainant therefore submitted a complaint to the Information Commissioner's Office (ICO).
  9. During the Commissioner's investigation the School did provide the complainant with the minutes dated 1 December 2011. It explained that this information had not been provided earlier as the minutes had not at that stage been authorised by the Chair. It said that section 22 had applied at the time of the request as the minutes were intended for future publication once they had been authorised by the Chair.

## **Scope of the case**

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10. The Commissioner has considered whether the School complied with its obligations under FOIA when dealing with this request.
11. As the information has now been provided to the complainant the Commissioner will not however consider whether section 22 was applicable at the time of the request.

## **Reasons for decision**

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12. Section 10(1) states that,

“Subject to subsections (2) and (3), 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.”

13. In this case the School provided the complainant with the Governing Body minutes dated 1 December 2011 during the course of the Commissioner’s investigation. As the minutes were not provided within the statutory time for compliance, the Commissioner considers that the School breached section 10(1) in its handling of this request.

## Right of appeal

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14. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**