

## 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 salary information relating to staff at Cottesloe School (the School). The School provided the complainant with some information but withheld information under section 40(2) of the Freedom of Information Act 2000 (FOIA). The complainant confirmed that he wished to obtain salary information within £5,000 bands for the headteacher and deputy headteachers for the previous 5 years. The School provided this information to the complainant during the Commissioner's investigation. The School therefore withdrew its application of section 40(2) FOIA.
2. The Commissioner's decision is that the School breached section 10(1) of the FOIA as it did not provide this salary information within the statutory time for compliance.
3. The Commissioner requires no steps to be taken.

#### Request and response

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4. On 5 January 2012, the complainant wrote to the School and requested information in the following terms:  
  
"I am interested in the reasons underlying the revisions to your three year Financial Plan, and in particular those made between June and December 2011. In May the Governing body appears to have approved a three year plan projecting an accumulated deficit of around £400k; This was during a year when the teaching staff salary bill appears to

have increased by around £245k. I want to understand why the school staffing budget increased so significantly and why the projected deficit was approved. Therefore, please supply me with all recorded information, such as email messages, notes/minutes taken from meetings and/or other associated documents concerning the following few points:

1. Leadership Remuneration Details

Of interest to me is the remuneration for three senior staff at Cottesloe, namely the headteacher and the two deputy headteachers. For each individual fiscal year (meaning April to April) commencing in 2006 and continuing to-date year please supply me with:

- The individual annual salary of these three posts.
- For years where the post was not held for the complete year then please supply the annual equivalent salary.
- Dates of any salary increments and the increment applied to the previous salary level.
- Any performance criteria for bonuses and the level of bonus which will be payable should these performance criteria be met.

You may round all emoluments to the nearest multiple of £5,000.

2. Other staff payments

Please supply me with, since April 2009 and up to-date for each individual financial year, the:

- Recruitment and retention payments made to staff, breaking down the payments into:
  - The number of awards made within each year
  - The total money paid during each year
  - The dates awards were made
- Honorariums made to staff broken down into the above 3 sub-bullet points.
- Ex gratia payments made to staff, broken down into the same three bullet points."

5. On 19 January 2012 the School responded to this request. It provided the complainant with salary ranges and provided him with a link to salary value information. The salary ranges were wider than £5,000 bands. It explained that no bonuses were paid. On 20 January 2012 the complainant wrote to the School to explain that he was dissatisfied with the salary scales provided and wished to obtain the salary scales within £5,000 bands. On 24 January 2012 the School wrote to the

complainant with the result of the internal review which the complainant had requested in relation to part 1 of his request. It upheld its original decision.

6. During the Commissioner's investigation the School did provide the complainant with the salary for the headteacher and two deputy headteachers within £5,000 bands for the previous 5 years. It no longer wished to apply section 40(2) to withhold this information.

### **Scope of the case**

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7. The Commissioner has considered whether the School complied with its obligations under FOIA when dealing with this request.
8. As the information has now been provided to the complainant the Commissioner will not however consider whether section 40(2) was applicable at the time of the request.

### **Reasons for decision**

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9. 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."
10. During the course of the Commissioner's investigation the School provided the complainant with the salary information for the headteacher and two deputy headteachers within £5,000 bands for the previous 5 years. As this information was 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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11. 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)

12. 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.
13. 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**