

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 November 2013

Public Authority: Oakmeeds Community College
Address: Station Road
Burgess Hill
West Sussex
RH15 9EA

Decision (including any steps ordered)

1. The complainant has requested information concerning Oakmeeds Community College's (the College) decision to change its school uniform.
2. The Commissioner's decision is that the College has provided the complainant with all the information it holds relevant to the scope of the request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 25 April 2013, the complainant wrote to the College and requested information in the following terms:
 1. *Full unedited results from the parent survey on uniform choices.*
 2. *Full unedited results of the pupil surveys carried out.*
 3. *A full breakdown on how your original costings were calculated to be a minor increase compared to the present uniform.*
 4. *Rationale and cost differences on why the fair trade uniform supplier was chosen over traditional suppliers as often traditional routes are more cost effective than fair trade.*
 5. *A complete breakdown of costings incurred for this uniform change, to include but not limited too, hours and costings spent researching,*

expense incurred in the research and promotion and consultation of the uniform change, costs of samples produced for display including design and manufacture of samples.

5. The College responded on 13 May 2013. It explained that the requested information could be found via a link on the College's website. It also explained that no additional costs were incurred for the uniform change.
6. Following an internal review the College wrote to the complainant on 15 May 2013. It stated that all the information that it has available to provide to the complainant is available on its website.
7. During the Commissioner's investigation into this complaint, the College found further information held within the scope of request 4. This information has been disclosed to the complainant.

Scope of the case

8. The complainant contacted the Commissioner on 16 May 2013 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether any further information is held by the College which would fall within the scope of the request.

Reasons for decision

10. Section 1(1)(a) of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request.
11. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. The Commissioner must decide whether on the balance of probabilities the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The complainant has argued that he believes the College holds further information into its decision to change its school uniform. He states that his argument is supported by the fact that during the Commissioner's investigation, further information was disclosed to him. The complainant therefore believes the College is refusing to release further information

into the public domain which leads him to question what the College has to hide. Without evidence to suggest the College holds further information, this argument cannot carry weight.

13. During his investigation, the Commissioner asked the College to explain what information it held within the scope of the requests and whether any of the requested information had been deleted or destroyed. The Commissioner also asked the College to address the issues raised by the complainant.
14. The College explained that in regards to request 1 it used a free service on Survey Monkey to carry out the parent survey. It explained that the graph produced from the survey and the comments made by the parents are all the information the College holds and this has been provided to the complainant. The complainant argued that the College may have manipulated the survey results to its advantage. However, the College explained that no data can be exported from a free copy of the software; therefore the College was unable to edit the results. The Commissioner consequently questioned whether the information from the surveys was physically held by Survey Monkey on behalf of the College. The College confirmed that Survey Monkey holds the data for the creator of the survey but the data is owned by the creator.
15. The College confirmed that the information concerning request 2 had been provided to the complainant. The College explained the pupil survey was carried out by way of ballot slips and a survey for parents and staff was carried out by way of tick sheets. The College confirmed that once the results were analysed, the ballot slips and tick sheets were destroyed. An excel spreadsheet was produced from the results titled 'consultation data' and this was published on the College's website.
16. In relation to request 3, the College explained an excel spreadsheet was produced comparing the current (as it was at the time) minimum and maximum uniform costs with the proposed new uniform. The information recorded is included in the excel spreadsheet titled 'consultation data'. The College also explained that the matter was discussed at a number of Governing Body meetings. The minutes for these meetings are available on its website.
17. With regards to request 4, the College explained that it held no specific recorded information. The Commissioner asked the College whether any meetings took place where there was a discussion of implementing a fair trade uniform. The College confirmed that a number of meetings did take place and this information had not been provided to the complainant. The College originally stated that these minutes were exempt from disclosure under section 40 (personal data). However, upon the Commissioner's view of these minutes, it was considered that

the information could be disclosed to the complainant. The College has now disclosed this information.

18. For request 5, the College confirmed that it held no information relevant to the scope of the request. The College explained that the majority of the work was undertaken by the deputy headteacher and he did not keep records of the time spent on the project. The College also confirmed that it did not pay for any manufacturing samples and any samples sent did not incur a postal charge. The College responded to the complainant's argument that it had paid a PR company for the project of changing the school uniform. The College explained that the PR Company was undertaking research as part of a re-branding exercise. It explained that one of its findings was that the image of the College students needed smartening and a new uniform was recommended. The College clarified that the PR Company did no further work on this aspect of its developments post-research.
19. The Commissioner has also considered whether the College had any reason or motive to hide or conceal the requested information as suggested by the complainant. The Commissioner has not seen any evidence of this and therefore he has not identified any reason or motive to conceal the requested information.
20. In the circumstances, the Commissioner does not consider that there is any evidence that would justify refusing to accept the College's position that it does not hold any further information relevant to this request. The Commissioner is therefore satisfied that on the balance of probabilities, no further information within the scope of the request is held by the College.

Other matters

21. The Commissioner notes that in the College's first response to the complainant's request, it referred him to its website for the information relevant to the scope of his request. Under FOIA, the College could therefore have refused the request for information under section 21 (information accessible to applicant by other means).

Right of appeal

22. 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

23. 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.
24. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF