

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 February 2015

Public Authority: Governing Body of King Edward VI School

Address: Grove Road
Bury St Edmunds
Suffolk
IP33 3BH

Decision (including any steps ordered)

1. The complainant requested information from King Edward VI School ("the School") about interviews for teaching posts in 2006. The complainant informed the Commissioner that the School had not provided a response to her request.
2. The Commissioner's decision is that the School has failed to comply with sections 1(1) and 10(1) of the Act as it did not provide a response to the request within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a response to the complainant's request of 18 July 2014 which is compliant with the provisions of the Freedom of Information Act.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 18 July 2014, the complainant wrote to the School and requested information in the following terms:

"In respect of The Freedom of Information Act, please could this school confirm how many teachers were shortlisted to interview for the two teaching posts in the Humanities Department in March 2006?

How many of those teachers were formally invited to prepare and teach a history lesson to a Year 9 class on their interview day but then had to teach "Geography" without a Scheme Of Work to reference whether their lesson plan fitted in with the pupil's coursework at the time?"

Scope of the case

6. The complainant contacted the Commissioner on 15 October 2014 to complain about the way her request for information had been handled. She informed the Commissioner that she had not received a response to her request.
7. The Commissioner considered whether the School had provided a response to the complainant's request and whether it had breached FOIA in its handling of the request.

Reasons for decision

8. Section 1(1) of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him, subject to the application of any relevant exemption. Section 10(1) of FOIA provides that this must be done *"...not later than the twentieth working day following the date of receipt."*
9. The Commissioner initially contacted the School on 19 November 2014 and left a telephone message for the relevant person to contact him to discuss the complaint. On 26 November 2014, the Commissioner, having received no communication from the School, e-mailed it to ask it to respond to the request, had it not already done so. He asked to be provided with a copy of any response.

10. On 15 December 2014, having been informed by the complainant that she had still not received a response to her request, the Commissioner again e-mailed the School asking it to provide a response. He indicated that if it did not provided a response shortly, he would issue a decision notice requiring it to do so.
11. On 18 December 2014, the Commissioner again telephoned the School and asked the relevant person to contact him to discuss the complaint. On 26 January 2015, the Commissioner sent an e-mail to the School to inform it that the complainant had informed him that she had still not received a response to her request and asked, if it believed that it had sent a response, to be provided with a copy of it. He confirmed that if the School had not provided a response, he would proceed to issue a decision notice.
12. On 27 January 2015, the Commissioner received an e-mail from the School which attached a copy of an e-mail dated 21 July 2014 which it indicated it believed was a response to the complainant's request.
13. The Commissioner sent an e-mail to the School on 28 January 2015 in which he noted that the e-mail of 21 July 2014 to the complainant referred to it being sent in response to e-mails that she sent on 14 June 2014. The Commissioner asked for clarification with regard to how the School's e-mail of 21 July 2014 provided a response to the complainant's request of 18 July 2014. To date he has not received a response to his e-mail of 28 January 2015.
14. In the absence of clear evidence that the School has provided a response to the complainant's request of 18 July 2014, the Commissioner finds that it has breached sections 1(1) and 10(1) of FOIA in not responding to the request within 20 working days. He requires it to issue a response to the complainant's request of 18 July 2014 which is compliant with the provisions of the Freedom of Information Act.

Right of appeal

15. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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
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Wilmslow
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SK9 5AF