

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 June 2015

Public Authority: The Blue Coat School
Address: Church Road
Wavertree
Liverpool
L15 9EE

Decision (including any steps ordered)

1. The complainant has requested information from the Blue Coat School about an aspect of its admissions process and has complained to the Information Commissioner because the Blue Coat School has not provided a response to this request.
2. The Commissioner's decision is that the Blue Coat School has breached section 10 of the FOIA because it has failed to respond to the request within 20 working days.
3. The Commissioner requires the public authority to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
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. As part of wider correspondence about the Blue Coat School's entrance examinations, on 9 December 2014 the complainant requested information in the following terms:

"Please also provide the formula used when calculating age weighting."

6. The Blue Coat School did not respond to the request. The Commissioner wrote to the School on 17 April 2015 and requested that the School should issue the complainant with a response, or a refusal notice, within 10 days.

Scope of the case

7. The complainant contacted the Commissioner on 12 May 2015 to complain that the Blue Coat School had not responded to her request.
8. The Commissioner focussed his investigation on whether the Blue Coat School has complied with section 10 of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA says that an individual who asks for information is entitled to be informed whether the information is held and, if it is, to have that information communicated to them.
10. Section 10 of the FOIA says that a public authority must respond to a request for information no later than the twentieth working day following the date of receipt.
11. The complainant submitted their request on 9 December 2014 and, more than five months later, has yet to receive a response. This is a clear breach of section 10.

Right of appeal

12. 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

13. 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.
14. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF