

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 December 2015

**Public Authority:** Ursuline Academy

**Address:** Moreland Road  
Ilford  
Essex  
IG1 4JU

#### Decision (including any steps ordered)

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1. The complainant made a request to the Ursuline Academy ("the Academy") for the autumn 2010 spread sheet relating to the Governing Body Pay Committee/Board of governors which was signed by 3 governors and the head teacher.
2. The Commissioner's decision is that, on balance of probabilities, the Academy did not hold a copy of the autumn 2010 spread sheet at the time the request was made. Therefore, the Commissioner does not require the Academy to take any further steps.

#### Request and response

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3. On 7 February 2015, the complainant wrote to the Academy and requested information in the following terms:  
*"Please supply the agendas and minutes for all school governors meetings from 31st August 2010 to 1<sup>st</sup> January 2011."*
4. On 10 February 2015 the Academy responded, informing the complainant that these papers were archived and would be sent as soon as they were located. Upon locating them the Academy sent a hard copy of all the documents the complainant requested by post.
5. On 6 March 2015 the complainant requested an internal review on the basis that the Agenda and minutes of the Governing Body Pay Committee/Board of Governors Autumn 2010 were not included.

6. The Academy sent the complainant the outcome of its internal review on 17 March 2015. It noted that the complainant believed that the minutes of the Governing Body Pay Committee for autumn 2010 were not included. It explained that the salaries of all staff are agreed annually by the governors pay sub-committee. A spread sheet is then produced and the 3 governors and the principal sign the spread sheet to verify its accuracy. This serves as a permanent record and there are no minutes held for this. The Academy stated that these details are not made public.

7. On 21 April 2015 the complainant made a second request for information:

*"The Academy's policy is to pay basic statutory redundancy pay. In 2013 -14 the Academy paid a £30,000 non contractual severance payment to one member of staff.*

*Please provide the following details*

*Name of recipient*

*Position in Academy*

*'Value for money' reasoning statement for the payment .*

*The number and values of other contractual severance payments made since becoming an Academy."*

8. On the 14 May 2015 the Academy informed the complainant that the spreadsheet was confidential due to the personal information it contained. However, it asked the complainant that if she would advise the Academy the precise purpose of the enquiry then the Academy may be able to provide specific bits of information.

9. The complainant disputed the Academy's claim that this spreadsheet could not be fully released and sought the Commissioner's advice.

10. On 29 September 2015 the Academy told the Commissioner that it no longer held the Governing Body Pay Committee/board of governors spread sheet for autumn 2010 due to the Academy's restructure.

## **Scope of the case**

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11. The complainant contacted the Commissioner to complain about the way her requests for information had been handled.

12. The Academy has informed the Commissioner that it had sent the complainant the information relating to the second request – namely a breakdown of positions within the Academy, redundancy payments,

redundancy dates, years of service, qualifying continuous service and salary upon leaving, but had redacted the names of the recipients.

13. During the course of the investigation the complainant confirmed that she is satisfied with the Academy's response to the second request, and that the focus of her complaint is the spreadsheet that she believed is outstanding from the response to her first request.
14. Therefore, the Commissioner has considered whether, on the balance of probabilities, any information is held by the Academy relevant to the complainants request for the autumn 2010 spread sheet relating to the Governing Body Pay Committee/Board of governors.

### **Reasons for decision**

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15. Section 1(1) of FOIA states that:

*"Any person making a request for information to a public authority is entitled:-*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him".*

16. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complaint believes may be held, the ICO, following the lead of a number of information Tribunal decisions, applies the civil standard of the balance of probabilities.
17. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
18. The Commissioner has investigated this complaint by returning to the Academy and asking it a number of questions in order to determine whether it holds the Governing Body Pay Committee/board of governors spread sheet for autumn 2010.
19. The Commissioner asked the Academy what searches were carried out for information falling within the scope of this request.

20. The Academy confirmed that it had searched in all manual files belonging to the then Business Manager. The only spread sheet which was located was for autumn 2011. The Academy stated that the information contained therein will be similar to the information the complainant requested. This was then sent to the complainant.
21. The Commissioner asked if the searches included electronic data, and if this information was held locally on personal computers including laptops, emails and on other networked resources.
22. The Academy confirmed it had searched in all electronic files belonging to the then Business Manager.
23. The Commissioner asked if the recorded information was held but is no longer held, when did the School cease to retain this information?
24. The Academy informed the Commissioner that in July/August 2015 there had been a significant change in Academy personnel – namely the Principal, Business Manager, Finance Team and Human Resource Officer without any handover. Desks and offices were cleared prior to their departure.
25. The Commissioner acknowledges the complainant's concerns, and he does consider that the circumstances of the case raise questions over records management at the Academy. However, based on the submissions provided by the Academy, and in the absence of evidence to the contrary, the Commissioner is satisfied that on the balance of probabilities the information in question is not held.

## Right of appeal

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26. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. 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.
28. 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**