

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 October 2016

Public Authority: Department for Education
Address: Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Decision (including any steps ordered)

1. The complainant has requested information from the Department for Education (The "DFE") relating to details of pre – 2010 academy pledges which had not been fulfilled.
2. The Commissioner's decision is that the DFE did not deal with the request for information in accordance with section 10 of the FOIA in the following way:
 - It failed to provide a response to the request within that statutory time frame of 20 working days.
3. The Commissioner does not require the public authority to take any further steps.

Request and response

4. On 8 August 2016, the complainant wrote to the DFE and requested information in the following terms:
 - *In 2010, the NAO said a 'significant proportion' of pledges made by academy sponsors had not been honoured*
<https://www.nao.org.uk/wp-content/upload...> *The Public Accounts Committee' Seventeenth Report of Session 2010/11 wrote: 'For both capital and endowment sponsorship, the*

Department has struggled to enforce payment of outstanding debts. According to figures provided by the Department in December 2010, of a total of £147 million of capital contributions pledged, only £121 million have been received. For endowment contributions, sponsors had pledged to provide a total of £71 million, of which £42 million had fallen due by December 2010. Thirty-eight million had been received, leaving £4 million still outstanding.' <http://www.publications.parliament.uk/pa...>

- *Sponsors no longer have to make contributions to their academies. This raises the question whether academy trusts who pledged money pre-2010/11 have used this exemption to default on their earlier promises.*
 - *I should be grateful, therefore, if you would list all academy trusts which promised donations, whether capital or endowments, pre-2010/11 which have not been honoured.*
 - *The list should contain the original pledges and the amount received to date.*
 - *The complainant informed the Commissioner that the DFE has not responded or acknowledged the request.*
5. On 7 September 2016 the complainant wrote to the DFE asking for an internal review on the basis that she had not received a response to her request.
 6. Following an internal review the DFE wrote to the complainant on 28 September 2016. The DFE explained that there had been some administration issues which had contributed to the delay in answering the request.
 7. During the Commissioner's investigation the DEF provided a response to the complaint dated 12 October 2016. The complainant has confirmed that she has now been provided with the information she requested, but is dissatisfied with the length of time it has taken for this information to be provided to her.

Scope of the case

8. The complainant contacted the Commissioner on 10 September 2016 to complain about the way her request for information had been handled.
9. The complainant specifically stated that the DFE had not responded to her request or sent an acknowledgment.

10. The Commissioner has had to consider whether the DFE has handled the request in accordance with section 10 of the FOIA.

Reasons for decision

10. Section 10 of FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
11. From the information provided the Commissioner in this case, it is evident that the DFE did not respond to the request within the statutory time frame of 20 working days. The DFE has therefore breached section 10 of the FOIA.

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

Chris Hogan
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF