

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 October 2017

Public Authority: Parrs Wood High School
Address: Wilmslow Road
East Didsbury
Manchester M20 5PG

Decision (including any steps ordered)

1. The complainant has requested particular meeting minutes, dates and information about its publication scheme from Parrs Wood High School ('the School').
2. The Commissioner's decision is that the School has breached section 10(1) of the FOIA as it has not provided a response to the request within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - Provide the complainant with a response to his request of 23 July 2017 that complies with section 1(1) 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. On 23 July 2017, the complainant wrote to the School through the *WhatDoTheyKnow* website and requested information in the following terms:

"Could you please supply digital copies of Parrs Wood's minutes of your governing body meetings from 1st January 2015 to today's date?"

The minutes of your meetings are to cover the periods whilst being in the maintained sector and from the point you became an Academy.

Could you also please supply a copy of your publication scheme approved by the ICO and a listing of your meeting dates for the 2017-2018 academic year?"

6. When he did not receive a response, the complainant contacted the School on 14 September 2017, and again on 2 October 2017 having sought advice from the Commissioner. The School still did not respond and the matter was brought to the Commissioner.

Scope of the case

7. The complainant contacted the Commissioner on 3 October 2017 to complain about the way his request for information had been handled.
8. The Commissioner's investigation has focussed on whether the School has complied with its obligation under section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled (a) to be told if the authority holds the information and (b) to have the information communicated to him or her if it is held.
10. Section 10(1) of the FOIA says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt of a request.
11. However the FOIA recognises the need for schools to have slightly longer to take account of school holidays. The Freedom of Information (Time for Compliance) Regulations 2004 extend the time for compliance for schools as follows:

"(2) Where this regulation applies, subsections (1) and (2) of section 10 of the Act have effect as if any reference to the twentieth working day following the date of receipt were a reference to either–

(a) the twentieth working day following the date of receipt, disregarding any working day which, in relation to the school referred to in paragraph (1), is not a school day, or

(b) the sixtieth working day following the date of receipt,

whichever occurs first.

(3) "School day", for the purposes of this regulation, means any day on which, at the school referred to in paragraph (1) above, there is a session."

12. The complainant submitted his request at the beginning of the school summer holiday, on 23 July 2017. Notwithstanding this and the above paragraph, at the date of this notice the complainant has not received a response some three months later. Consequently, the School has breached section 10(1).

Right of appeal

13. 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

14. 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.
15. 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
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF