

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 October 2022

**Public Authority:** Whitley Abbey Primary School  
**Address:** Ashington Grove  
Whitley  
Coventry  
CV3 4DE

#### **Decision (including any steps ordered)**

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1. On 9 December 2021, the complainant requested information regarding a letter sent by Whitley Abbey Primary School (the "School") regarding the 'Friday Early Finish'.
2. The School responded to the complainant but not in relation to the request made on 9 December 2021.
3. The Commissioner's decision is that the School has breached section 10(1) FOIA as it failed to respond to the request made by the complainant on 9 December 2021.
4. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - The School must provide a response to the request made on 9 December 2021 in accordance with its obligations under FOIA.
5. 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**

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6. On 9 December 2021, the complainant wrote to the School and requested information in the following terms:

"I am writing to make an open government request for all the information to which we are entitled under the Freedom of Information Act 2000.

Whitley Abbey Primary School introduced a Friday early finish of 2.30pm which has been in place since the children returned after the second lockdown (March 2021).

This matter was discussed in Parliament in September 2021.

The school minister stated that it is 'unacceptable for schools to shorten their working week when it is not a direct action to support and enhance their pupil's education'.

The Department for Education guidance on school attendance includes further information on the matter:

In the event that a school decides to make changes to its school day or week, it is expected that the school will act reasonably when making such decisions, giving parents notice and considering the impact on those affected, including pupils, teachers and parents work commitments and childcare options.

The recent correspondence sent to parents regarding the early finish focuses on lunchtimes and how children's behaviour at lunchtime is now more manageable.

Can you please provide the information/reports regards to how the early finished has enhanced pupils' education, what methods were used to measure progress, how it was analysed to determine how it has increased the pupil's education and over what time period was this measured?

The correspondence sent from school stated the positives are in regards to the children's behaviours being more manageable at lunch time and returning to the class ready to work, can you please share the monitoring for this, what methods were used to measure this and over period of time.

The correspondence sent to parents in Nov 2021 states the 2 negatives regards to the early finish are:

- Parents need to make arrangements to collect their children at 2,30pm on a Friday or use Abbey Oaks wraparound care which does not incur a cost.
- Teaching staff have a shorter lunch break but finish an hour earlier on a Friday.

Can you please share what methods were used to help you come to this conclusion and provide a copy of your findings?

Can you please provide all methods used to consult parents on the matter of the early finish including how those whose English is a second language or have literacy difficulties have been consulted.

If you are not able to provide this information requested, can you please state the reason why. If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed. I understand that you are required to respond to this request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request."

7. The School responded on 17 December 2021. It referred to a subsequent email from the complainant dated 17 December 2021 (however the Commissioner believes that this was actually dated 14 December 2021) and quoted the following information request:

"1. ... if you can please share the specific government guidelines which instructed the school to finish one hour early every Friday for the whole term, this would help us understand the decision for the continued early finish.

2. The letter received today (14th December 2021) states 'much learning time has been lost in the past 12 months and it is imperative we support children to catch up' therefore it is unclear the reason for the suggested original early finish letter and what evidence this was based on."

The School confirmed that it did not hold any information falling within the scope of parts 1 or 2 of the request made on 14 December 2021.

8. The complainant requested an internal review on 11 May 2022. She stated that:
9. Please pass this on to the person who conducts Freedom of Information reviews.

"I am writing to request an internal review of Whitley Abbey Primary School, Coventry's handling of my FOI request 'Recent letter sent to parents regards to the Friday Early Finish'.

Your reply stated:

The School confirms that it does not hold the recorded information outlined in your request for both point 1 and point 2. The school have carried out adequate and diligent searches.

Despite adequate and diligent searches being carried out no information was found or shared regarding the request.

The request asks for information on the following;

Can you please provide the information/reports regards to how the early finished has enhanced pupils' education, what methods were used to measure progress, how it was analysed to determine how it has increased the pupil's education and over what time period was this measured?

Can you please provide all methods used to consult parents on the matter of the early finish including how those whose English is a second language or have literacy difficulties have been consulted.

A full history of my FOI request and all correspondence is available on the Internet at this address: <https://www.whatdotheyknow.com/request/r...>

Please review this request. Could I also request letters are signed accordingly and clear information regarding the person/people who completed the review are provided."

10. On 12 May 2022 the School refused to carry out an internal review as it had not been submitted within two months of the School's response letter.

## **Scope of investigation**

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11. The Commisisoner has determined whether the Sccool responded to the complainant's FOIA request dated 9 December 2021 in accordance with its obligations under section 10 FOIA.

## **Reasons for decision**

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12. 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."

13. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
14. In this case the request which is the subject of this complaint was made on 9 December 2021. Based upon the information provided to the Commissioner, whilst he can see that the School provided a response to a subsequent FOIA request made on 14 December 2021, it has not provided a response to the request made on 9 December 2021. The complainant clearly referred to parts of the 9 December 2021 request in her request for internal review and asked the School to respond to these.
15. The Commissioner finds that the School has breached section 10(1) by failing to respond to the request dated 9 December 2021 within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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16. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

17. 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.
18. 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.....**

**Gemma Garvey**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**