

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 September 2023

Public Authority: The Governing Body of Harris City Academy
Crystal Palace

Address: Maberley Rd
London
SE19 2JH

Decision (including any steps ordered)

1. The complainant requested information from Harris City Academy Crystal Palace (the public authority). By the date of this notice the public authority had not issued a substantive response to this request
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 12 December 2022, the complainant made the following request for information:

“Please provide the following information:

1. **The total number of adopted and looked after children (LAC) from Years 7 to 13, breakdown by race/ethnicity, who accessed SEND support without an EHC Plan for academic years:**

September 2012 to July 2013
September 2013 to July 2014
September 2014 to July 2015
September 2015 to July 2016
September 2016 to July 2017
September 2017 to July 2018
September 2018 to July 2019
September 2019 to July 2020

2. **The total number of children who are not adopted or LAC from Years 7 to 13, breakdown by race/ethnicity, who accessed SEND support without an EHC Plan for academic years:**

September 2012 to July 2013
September 2013 to July 2014
September 2014 to July 2015
September 2015 to July 2016
September 2016 to July 2017
September 2017 to July 2018
September 2018 to July 2019
September 2019 to July 2020

3. **The total number of adopted and looked after children (LAC), require breakdown by race/ethnicity, referred for Access Assessment Support for academic years:**

September 2012 to July 2013
September 2013 to July 2014
September 2014 to July 2015
September 2015 to July 2016

September 2016 to July 2017
September 2017 to July 2018
September 2018 to July 2019
September 2019 to July 2020

4. The total number of children who are not adopted or LAC, require breakdown by race/ethnicity, referred for Access assessment Support for academic years:

September 2012 to July 2013
September 2013 to July 2014
September 2014 to July 2015
September 2015 to July 2016
September 2016 to July 2017
September 2017 to July 2018
September 2018 to July 2019
September 2019 to July 2020

6. The public authority acknowledged receipt of the request for information on 9 March 2023.

Reasons for decision

7. 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.”

8. 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”.
9. On 25 August 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

10. Despite this intervention the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatorychamber

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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF