

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 March 2024

Public Authority: Hensall Community Primary School
Address: Church Lane, Hensall
Goole
DN14 0QQ

Decision (including any steps ordered)

1. The complainant has requested Board of Governors meeting minutes and pupil statistics. Hensall Community Primary School ("the School") refused the request as vexatious.
2. The Commissioner's decision is that the request was vexatious and the School was entitled to rely on section 14(1) to refuse it.
3. The Commissioner does not require further steps.

Request and response

4. On 28 June 2023 the complainant wrote to the School and requested information in the following terms:

"I am sorry to have to put this request in, but the recent decision making of your SLT has left us no other way but to challenge this on the front foot. With this in mind, under the Freedom of Information act, within 20 working days please will you provide me with the following:

1. Meeting notes including informal notes in notepads and written documents with regards to discussions that have taken place with regards to class arrangements in 2023-24.

2. Any communication, including emails between teachers to discuss the class arrangements for 2023-24
 3. Any communication, including emails between the headteacher and any governors discussing the class arrangements for 2023-24
 4. On roll pupil numbers for each school year from 2013 to 2023
 5. Details of the split of classes from 2013-2023
 6. Minutes of all governing body meetings from this academic year (2022-23)
 7. Governance Register of interest and attendance (I thought this should be on your website but cannot find it)
 8. Any communication, including emails between the previous chair of governors and the Headteacher from September 2022 to the date of resignation.”
5. The School responded on 14 September 2023. It refused to provide the requested information, citing section 14(1) (vexatious requests) of the FOIA. The School maintained this position at internal review.

Reasons for decision

6. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.
7. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s updated guidance on section 14(1)¹ states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.
8. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
9. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream

¹ [Dealing with vexatious requests \(section 14\) | ICO](#)

services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.

10. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal ("UT") in the leading case on section 14(1), *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield"). Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.
11. The four broad themes considered by the UT in Dransfield were:
 - the burden (on the public authority and its staff);
 - the motive (of the requester);
 - the value or serious purpose (of the request); and
 - any harassment or distress (of and to staff).

The complainant's arguments

12. The complainant does not consider their request vexatious, and has stated the School has not asked why they require the information, so cannot assume it is vexatious. They also stated the internal review was inaccurate, and that the School had refused to meet with them.

The School's position

13. The School has stated that after it made changes to class arrangements for the academic year 2023-4, they received a large volume of correspondence and complaints from the complainant, as well as the two FOI requests.
14. These communications have alleged corruption in the School's decision making process and raised criticisms of the staff members both professional and personal. These allegations were investigated as part of the School's formal complaint process and not upheld.
15. Following this, the complainant wrote further to the School and the Chair of Governors. In their correspondence, they accused the complaints panel of bias and made personal attacks on various staff members, describing one as "controlling, inexperienced, and interfering" and accusing another of "self satisfaction and egotistical desires". This correspondence was, unsurprisingly, upsetting to staff. The School has

also advised that the local authority wrote to the complainant in October of 2023 to ban them from the School premises.

16. It has also advised that dealing with this correspondence has become a significant burden on the School and has intimidated and distressed staff members.
17. The School has stated it believes the complainant's motive to be the reversal of the recently made class arrangements. To evidence this, it has provided copies of communications from the complainant, in which they wrote:

"Please note, if [redacted] is being taught with a class of majority year [redacted] pupils including her friendship group from September, I will happily withdraw most of the requests."

18. The School has estimated it would take approximately twenty one hours to provide all the information the complainant has requested, due to the wide variety of information, and the likelihood that information would be stored in multiple locations. It has argued this constitutes an excessive burden that would not be commensurate with the value of the information.
19. The School has also advised they are a small school with a total of 27 staff members. Of these, only two members of staff are able to dedicate time to processing FOI requests. Consequently, this large volume of correspondence has required significant expenditure of resources to meet the complainant's demands, and the School has argued this has diverted resources away from the its key function of education.
20. The School has stated it has tried to be reasonable and has had several meetings with the complainant to address their concerns about the class splits, as well as proactively releasing information about it and engaging with stage one and two complaints submitted by the complainant.

The Commissioner's decision

21. In light of the evidence provided by the School, it is the Commissioner's opinion that the request is vexatious.
22. FOIA is applicant and motive blind and the Commissioner would not expect a public authority to ask why an individual has requested particular information.
23. The Commissioner notes that the complainant has used offensive language towards and about the staff members on multiple occasions,

and has explicitly stated their requests will be withdrawn if the class arrangements are reversed. The Commissioner considers this to be evidence of a transactional request, raising the likelihood the request is intended to achieve a certain effect rather than access information.

24. FOIA is a means for accessing recorded information held by public authorities. It is not a means of venting frustrations about a public authority or forcing administrative changes.
25. The Commissioner acknowledges what prompted the complainant's grievance. However, he is of the view that requiring the public authority to respond to this request will not shed any further light on the underlying issue, nor push matters any further towards a resolution.
26. Indeed, it appears that the complainant has taken steps themselves to remedy the situation. The complainant has been through the School's complaint procedure at least twice on matters relating to this issue yet continues to correspond with the School.
27. The Commissioner is of the view that this particular request lacked any serious purpose and was thus an inappropriate and unjustified use of FOIA. He also considers that this request can be seen as an attempt to harass and cause distress to staff.
28. The Commissioner therefore considers that the request was vexatious and the public authority are entitled to rely on section 14(1) of FOIA to refuse it.

Right of appeal

29. 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-regulatory-chamber

30. 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.
31. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF