

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 February 2013

Public Authority: The Governing Body of Adlington St. Paul's Church of England Primary School

Address: Railway Road
Adlington
Chorley
Lancashire,
PR6 9QZ

Decision (including any steps ordered)

1. The complainant has requested information relating to the complaints log and to the complaints and communications policies and procedures at Adlington St. Paul's Church of England Primary School ('the school'). The school initially responded by providing information in response to the request. The school subsequently refused the request on the grounds that it viewed the request to be vexatious and therefore applied section 14 of the Freedom of Information Act (FOIA). In an attempt to resolve the matter informally, the school later provided more information in response to the request. The complainant complained again about this response. The school then changed its response, stating that it holds no further information that falls within the scope of the request. It no longer applied section 14 FOIA.
2. The Commissioner's decision is that, on the balance of probabilities, the school holds no information that falls within the scope of the request other than the information which the school has already disclosed.
3. The Commissioner therefore finds that the school has complied with section 1(1)(a) of the FOIA and the Commissioner does not require any steps to be taken.

Request and response

4. On 14 May 2012, the complainant wrote to the school and requested information in the following terms:

"a copy of the complaints log redacted as required"

And:

"details of St Paul's latest communications procedures and policy."

5. The school responded on 16 May 2012. It provided the complainant with some information in response to the request. On 20 May 2012 the school issued a formal refusal notice citing section 14 of the FOIA. The school later explained to the ICO that the complainant has been engaged in a protracted series of communications with and complaints against the school and various members of staff since 2008. Furthermore, the school explained that it had provided the complainant with information of the type requested previously, and had explained to him that the reasons for not holding the remainder. The school explained that for these reasons the school viewed the request to be vexatious.
6. On 30 May 2012 the complainant wrote to the school contesting its use of section 14 FOIA.
7. On 10 July 2012 the complainant wrote to the Commissioner to complain about the school's handling of his request.
8. Following intervention from the Commissioner, and in an attempt to resolve the matter informally, the school provided the complainant with further information in response to his request. The school wrote to the complainant on 7 November 2012 providing this information and explaining why it held no other information that falls within the scope of the request. The complainant stated to the Commissioner that he remained unhappy with the response.
9. On 20 December 2012 the school wrote to the Commissioner again. The school confirmed that it held no further information falling within the scope of the request other than that already disclosed.

Scope of the case

10. The complainant contacted the Commissioner on 28 December 2012 to complain about the way his request for information had been handled.
11. The Commissioner has considered whether or not, on the balance of probabilities, the school holds any information that falls within the scope of the request other than that which has been disclosed.

Reasons for decision

12. Section 1 of FOIA provides that any person making a request for information to a public authority is entitled to be informed in writing whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to him.
13. The normal standard of proof to apply in determining whether a public authority does hold any requested information is the civil standard of 'on the balance of probabilities'.
14. The Commissioner has considered the arguments put forward by the school as to why it has concluded that it holds no further information as well as the arguments put forward by the complainant as to why, the school must hold more information.
15. The school provided the complainant with a copy of the school's complaints policy in its initial response to the request. The school also explained that it does not have a communications policy, and as such does not hold any recorded information relating to one.
16. The Commissioner is therefore satisfied that the school has responded correctly to the part of the request for "*details of St Paul's latest communications procedures and policy.*"
17. Following intervention from the Commissioner, the school also provided the complainant with a copy of the complaints log in response to the request.
18. The complainant argued that the information provided could not be the entire complaints log. The complainant argued that there have been several complaints made to the school by various parents at the school. The complainant pointed out that the complaints log provided by the school only contained details of one incident report, and therefore cannot be an exhaustive list of all complaints made to the school. The complainant also argued that the school's complaints policy specifies that the school should keep a record of all complaints made at the school.
19. The Commissioner therefore questioned the school about why it had not disclosed this full complaints log. The school explained that the complaints log provided is the only recorded information that it holds that constitutes a complaints log. The school expanded on this explanation, stating that the log was started by the current head teacher in or around January 2012 when he arrived at the school. The school explained that there has only been one formal complaint registered from

the time of the logs inception. The school went on to explain that prior to the log being created no formal complaints log was kept.

20. The school further stated that it has searched manual files in the school and searched electronically on the schools system using the search term "complaint". The school stated that it had been unable to locate any document or electronic data containing a complaint.
21. The school pointed out that schools are statutorily required to have a complaints policy but they are not required to keep a log of complaints. The school argued that the previous head teacher must not have had a formal log of complaints, and in any event the school does not hold a record of one. The school further explained that schools may receive complaints orally, in writing or electronically and may resolve them formally or informally.
22. The Commissioner is therefore satisfied that the school has provided all of the recorded information that it holds that falls within the scope of the complainant's request for a "*complaints log.*"
23. The Commissioner is satisfied that the school has disclosed all of the appropriate information falling within the scope of the request and that, on the balance of probabilities, it does not hold any further information that falls within the scope of the request.

Right of Appeal

24. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

25. 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.
26. 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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Information Commissioner's Office
Wycliffe House
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SK9 5AF