

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 February 2013

Public Authority: Governing Body of Pickhurst Junior Academy
Address: Pickhurst Lane, West Wickham
Kent, BR4 0HL

Decision (including any steps ordered)

1. The complainant has requested information relating to non-statutory Sex and Relationship Education (SRE) delivered outside of the National Curriculum Science Order.
2. The Commissioner's decision is that Pickhurst Junior Academy (the Academy) has breached section 10(1) of the FOIA by providing its response outside of the statutory time limit of 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a response in compliance with section 1 of the FOIA or otherwise issue a refusal notice in accordance with section 17 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 24 March 2011, the complainant wrote to the Academy and requested information in the following terms:

1) School roll breakdown

Can you provide the following figures?

- a) *The total number of pupils on the school roll*
- b) *The breakdown of school by; religious affiliation; ethnicity; first language/mother tongue; gender*

**2) Information about your SRE policy
Please supply a copy of your SRE policy**

- a) *Please highlight when it was last reviewed and*
- b) *What that review process consisted of?*

3) What is taught in SRE in your school?

- a) *At what age do you start teaching SRE?*
- b) *What resources/materials are used, **please provide a resource list.***
- c) ***Please supply a list of external individuals and/or organisations involved in SRE delivery of any kind?***

4) SRE Consultation

Focusing on your consultation process prior to both writing your SRE policy and deciding on resources please answer the following questions:

- a) *Who did you consult when writing your SRE policy and deciding on which resources to use? Please indicate: Parents (other than parent governors), governors, religious organisations, LA, other stakeholders.*
- b) *Please list the names of any other organisations involved in providing advice on your SRE policy and/or resources.*

5) Consultation with parents on SRE policy and resources

- a) *If you consulted parents other than parent governors, please outline how you conducted the consultation process.*

b) *If you have held a consultation event for parents, how many parents attended? **Please supply a copy of the invitation letter and any notes/documents given to parents at the event.***

c) ***Please supply any notes or other documents resulting from your consultation with parents.***

6) Informing parents about the delivery of SRE

a) *Do you inform parents before an SRE programme starts? **Please supply, letter, email or school newsletter containing this information.***

b) *How much notice do you give to parents?*

c) *Do you inform parents of the dates and approximate times (i.e. morning or afternoon) when SRE lessons will be delivered?*

d) *Do you hold an information meeting for parents prior to delivering the programme? **Please supply the latest letter inviting parents to an SRE information meeting.***

e) *Do you show parents any DVDs or worksheets of the sexual information to be delivered during the lessons? Approximately how much time do you spend during the meeting on this aspect of the programme?*

f) *Do you inform parents that they are legally entitled to withdraw their children from SRE lessons? If so, how do you communicate this?*

g) *Do you tell parents that SRE is a non-statutory part of the curriculum? If so, how do you communicate this?*

h) *What provision do you make for children who are withdrawn while the SRE lessons are being delivered?*

i) *Do you have an SRE withdrawal policy for parents? If you do, **please supply a copy.***

7) Method of notifying parents about before the start of SRE delivery

a) *How do you notify parents? Letter and email, email only, letter only – please specify*

b) *How do you send letters to the parents notifying them about SRE?*

8) Parental right of withdrawal

How many children were withdrawn from SRE classes during the last two academic years?

(a) *September 2008 – July 2009*

(b) *September 2009 – July 2010*

6. The Academy did not acknowledge the request.

7. The complainant sent follow up correspondence on 18 July 2011, 15 December 2011 and 19 September 2012.
8. The Academy replied to the complainant on 11 December 2012 declining to carry out an internal review into the handling of his request for information. It advised that the Academy was unable to release staff to provide the detailed information the complainant was seeking.

Scope of the case

9. The complainant contacted the Commissioner on 3 January 2013 to complain about the way his request for information had been handled.
10. The Commissioner considers the scope of this case to be to determine if the Academy has complied with section 10 of the FOIA.

Reasons for decision

11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. In this case the Academy did not acknowledge receipt of the request or provide any response until 11 December 2012. The Commissioner has therefore found that it breached section 10(1) of the FOIA.

Other matters

13. It appears clear to the Commissioner that the Academy is unaware of its statutory obligations regarding the FOIA.
14. The Commissioner will provide additional advice to the school to support it when dealing with future requests for information.

Right of appeal

15. 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

16. 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.
17. 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
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF