

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 14 October 2014

Public Authority: The Urswick School
Address: Paragon Road
Hackney
London
E6 6NR

Decision (including any steps)

1. The complainant has requested information from the Urswick School ('the School') regarding the ethnic composition of the school, including details of referrals, exclusions and other behaviour related sanctions by ethnic origin. The School has failed to provide a response to the request within the statutory time limit.
2. The Commissioner's decision is that the School has failed to provide a response to the request within the statutory time frame of 20 working days and has breached section 10(1) of the FOIA. He therefore upholds the complaint.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:

Provide the complainant with a response to his request which complies with the requirements the FOIA. 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

4. On 24 April 2014 the complainant requested information of the following description:

*'The Ethnic composition of the school
Referrals to Alternative Educational Provision by ethnic origin
Permanent and fixed term exclusions by ethnic origin
Internal exclusions by ethnic origin
Other behaviour related sanctions by ethnic origin'*

5. On 10 June 2014 the complainant contacted the Information Commissioner to complain that he had not received a response to his information request.
6. On 3 July 2014 the Commissioner contacted the School with details of the complaint and a copy of the original request and instructed the school to respond within 10 working days.
7. On 14 August 2014 the complainant contacted the Commissioner to confirm that he had not received a response from the school
8. On 8 September the Commissioner contacted the School again with a copy of his previous correspondence and the information request. He asked the School to deal with the complaint as a matter of priority and send a response to the request by 12 September 2014.
9. On 29 September 2014 the Commissioner contacted the School to ascertain whether a response had been sent and to advise that a decision notice would be issued if a response was not provided by Friday 3 October 2014.
10. On 7 October the complainant contacted the Commissioner to confirm that he had not received any response from the School.

Scope of the case

11. The complainant wrote to the Commissioner on 10 June 2014 to complain that he had not received a response to his information request within the required timescales under section 10 of the FOIA.

Reasons for decision

12. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.

13. The Commissioner considered whether the School responded to the request of 24 April 2014 in line with the provisions of the FOIA.
14. From the information provided to the Commissioner in this case it is evident that the School did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Right of appeal

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: informationtribunal@hmcts.gsi.gov.uk

Website: 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

Rachael Cragg
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Wilmslow
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SK9 5AF