

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 November 2015

Public Authority: Penryn Primary Academy
Address: Treverbyn Rise
Penryn
Cornwall
TR10 8RA

Decision (including any steps ordered)

1. The complainant has requested information from Penryn Primary Academy ("the School") relating to training records and qualifications of staff in health and safety roles.
2. The School has breached section 10 of the FOIA as it failed to issue a response to the request with 20 working days.
3. As a response has now been provided, the Commissioner requires the School to take no steps.

Request and response

4. On 10 July 2015, the complainant wrote to the School and requested information in the following terms:
"I have received your response to my complaint but the problem has still not been addressed, the failure to report this incident to the HSE. I now request under the freedom of information act from the school the training records and qualifications of your staff which cover their duties in their health and safety roles, and there training records in respect of the reporting of accidents and incidents."
5. The School responded to the request for information on 9 November 2015.

Scope of the case

6. The complainant confirmed the scope of his complaint to the Commissioner on 4 September 2015. His complaint concerned his request of 10 July 2015 in which he sought the training records of staff in health and safety roles and training records for accident reporting.
7. Due to the summer holidays, the Commissioner asked the complainant to wait 20 working days for a response.
8. The Commissioner received an email from the complainant on 21 September 2015 informing him that he had not received a response to his request.
9. The Commissioner subsequently contacted the School on 29 September 2015 and advised it of the complaint he had received. He asked the School to respond within 10 working days.
10. The Commissioner received an email on 30 September 2015 informing him that the Headteacher of the School had now left and the matter was currently being looked into.
11. The complainant contacted the Commissioner on 16 October 2015 and explained that he had still not received a response from the School.
12. In light of this, the Commissioner contacted the School again on 20 October 2015. He asked the School to respond by 23 October 2015.
13. The School issued a response to the complainant on 9 November 2015.
14. The Commissioner has therefore had to consider whether the School has complied with section 10 of the FOIA.

Reasons for decision

15. Section 10(1) of the 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*".
16. From the information provided to the Commissioner in this case, it is evident that the School did not respond to the request within the statutory timeframe of 20 working days. The School has therefore breached section 10 of the FOIA.
17. As a response has now been provided to the complainant, the Commissioner requires the School to take no steps.

Right of appeal

18. 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: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF