

## Freedom of Information Act 2000 (FOIA)

### Decision Notice

**Date:** 8 March 2016

**Public Authority:** Salehurst Primary School  
**Address:** George Hill  
Robertsbridge  
TN32 5BU

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to the school's obligations in respect of parents parking whilst dropping off and picking up their children. The school disclosed a copy of its Health and Safety Policy to the complainant and informed him that no further information was held.
2. The complainant remained dissatisfied and felt that further recorded information should be held relating to his issues with parking. The Commissioner's decision is that, on the balance of probabilities, the school does not hold any further recorded information falling within the scope of the complainant's request.
3. The Commissioner therefore does not require any further action to be taken.

#### Request and response

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4. On 1 October 2015, the complainant wrote to the school and requested information in the following terms:

"As I note your mentioning of your "duty" with regard parking on George Hill, please would you provide the following request under EIR 2004 or FOIA 2000 legislation.

1. What duties thus mentioned have been complied with by Salehurst Primary School ? (If for clarity a timescale is needed to refine the scope of answers, please refer to any duties in line with school governance,

ESCC or RDC policy or any other official governing body to which the School has a duty of co-operation and compliance).

2. As there still appears to be confusion with regard the change of Health & Safety policies as noted by your Business Manager and subsequently denied by you on the very last day of the 2015 Summer term, please state the current parental vehicular access policies or guidance to the school grounds for the last 18 months?"

5. The school responded on 4 November 2015. It addressed the two questions and confirmed that it had already supplied a copy of its Health and Safety Policy.
6. The complainant requested an internal review on the same day and copied the Commissioner into this correspondence.
7. The Commissioner contacted the school on 21 January 2016 and requested that it carries out an internal review within 10 working days.
8. The school carried out an internal review and notified the complainant of its findings on 3 February 2016. It addressed the questions again, the issues the complainant has with parking and confirmed that it holds no further recorded information that could be disclosed.

### **Scope of the case**

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9. The complainant first contacted the Commissioner on 4 November 2015 to complain about the way his request for information had been handled. At this time no internal review had been completed. The Commissioner chased this up and the school carried out an internal review on 3 February 2016. The complainant then contacted the Commissioner to complain further. He stated that he cannot believe the school holds no further recorded information relating to parking arrangements at the school and why parents cannot drive their children onto school property.
10. The Commissioner's investigation is limited to considering whether any further recorded information to that already provided (Health and Safety Policy) is held and if it is whether it can be disclosed. He has already explained to the complainant that he has no remit to request a public authority to answer protracting questions or to provide explanations on a particular issue and he has no remit to consider any issues he may have over parking in the area.

## Reasons for decision

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### *Is further recorded information held?*

11. The school maintains that it has provided copies of all recorded information it holds falling within the scope of the two questions asked on 1 October 2015. It provided a copy of the school's Health and Safety Policy and confirmed that it does not hold any further recorded information and it is not withholding anything from the complainant.
12. The school explained that the "duties" referred to in the complainant's request relate to its discussions with the local police about concerns with parking. It confirmed that it was advised to remind parents of the importance of parking safely at school drop off/pick up times in its newsletters and some wording was suggested by the police. The school stated that this was indeed carried out and the complainant was made aware of this but it does not hold any notes of these discussions or recorded information referring to them.
13. The school advised that it holds no other information regarding health and safety, school governance, East Sussex County Council or Rother District Council policies relating to parking on school premises or on roads nearby and so there is nothing further it can disclose to the complainant under the FOIA. It also confirmed that it holds no recorded information, policy or procedure in relation to the current parental vehicular access to its premises. So again, there is nothing it can disclose.
14. In further correspondence with the Commissioner the school explained that parents are not allowed to bring cars on to the school site at the end of the school day, around 10 minutes before and after 3.30pm. This is for health and safety and safeguarding reasons, i.e. to keep the children safe from moving vehicles as they come out of school. The school advised that it has operated this system for as long as it can remember and at least for the last 11 years. But there is no written policy to this effect. It advised again that it has checked all records accordingly and no further recorded information is held addressing the complainant's request.
15. The Commissioner is satisfied that on the balance of probabilities the school holds no further recorded information to that already provided. It is evident that the school has tried to address the complainant's concerns and explain the current procedures that are in place relating to parking. It has also explained what discussions were held with the local police, what recommendations were made and assured the complainant that it has acted upon these recommendations. No notes or records

were made of these discussions and it has explained that its current practices relating to parking on school premises are not formally documented in a policy or procedure which can be disclosed to the complainant.

16. The Commissioner is satisfied that the school has carried out detailed searches and explained sufficiently why it does not hold any further recorded information. He therefore does not require any further action to be taken in relation to this request.

### **Other matters**

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17. The Commissioner wishes to remind the school of its obligations under the Section 45 Code of Practice. The code states that public authorities should offer an internal review to applicants that remain dissatisfied and these should be completed in 20 working days. This can be extended to 40 working days but usually only in complex and voluminous cases. If extra time is required the public authority should provide the applicant with an update at the initial 20 working day deadline.
18. In this case, it is noted that the school took longer than was necessary to carry out its internal review and the Commissioner's involvement was required.
19. The Commissioner recommends the school reviews the code to ensure that it is aware of its obligations and to ensure that internal reviews are completed in a timelier manner in future.

## Right of appeal

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20. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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** .....

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**