

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 May 2017

Public Authority: The Governing Body of Emmbrook School
Address: Emmbrook Road
Wokingham
Berkshire
RG41 1JP

Decision (including any steps ordered)

1. The complainant has requested from Emmbrook School (the School) information relating to its Sex and Relationship Education Policy and changes to the policy on dealing with the death of a pupil. The School has failed to respond to this request.
2. The Commissioner's decision is that the School has breached section 10(1) of the FOIA (time for compliance) in the handling of this request.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The School must provide the complainant with a response to this request in accordance with its obligations under the FOIA.
4. The public authority must take this step 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 7 November 2016 the complainant made the following request to the Emmbrook School:

"I am writing to you under the Freedom of Information Act 2000 to request the following information from the Emmbrook School and Emmbrook Sixth Form:

- 1) Please could you outline the Emmbrook School's Sex and Relationship Education Policy*
- 2) Please could you outline the Emmbrook's Sixth Form's Sex and Relationship Education Policy.*
- 3) Please could you outline any changes/ additions to the Emmbrook School's policy with regard to dealing with the death of a current pupil between 11th September 2005 and 10th May 2011.*
- 4) Please could you outline any changes/ additions to the Emmbrook Sixth Form's policy with regard to dealing with the death of a current pupil between 11th September 2005 and 10th May 2011.*
- 5) Please could you outline any changes/ additions to the Emmbrook's School policy with regard to dealing with the death of a current pupil since 10th May 2011.*
- 6) Please could you outline any changes/additions to the Emmbrook's Sixth Form's policy with regard to dealing with the death of a current pupil since 10th May 2011".*

6. On 4 January 2017 the complainant wrote to the School again in regards to his information request.

7. The School has not substantially responded to this request.

Scope of the case

8. The complainant contacted the Commissioner on 20 January 2017 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the School dealt with this request in accordance with its obligations under section 10 (1) FOIA.

Reasons for decision

10. Section 10(1) of FOIA states that a public authority must comply with section 1(1) promptly and in the event not later than the twentieth working day following the date of receipt.
11. From the information provided to the Commissioner it is evident that the School did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

12. The Commissioner's decision is that the school did not deal with the request for information in accordance with the FOIA. In this case the school has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

13. 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

14. 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.
15. 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF