

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 April 2018

Public Authority: Borden Grammar School
Address: Avenue of Remembrance
Sittingbourne
Kent
ME10 4DB

Decision (including any steps ordered)

1. The complainant has requested minutes of various meetings as well as the Borden Grammar School's ("the School's") Improvement Plan, annual report and annual budget allocation. The School has not responded to this request.
2. The Commissioner considers that the School breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps 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 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 1 February 2018, the complainant wrote to the School and requested information in the following terms:

"1) The minutes of all Full Governing Body meetings on and after 19th May 2017 and any documents filed with these minutes

2) The minutes of all Standard Committee meetings on and after 25th April 2017 and any documents filed with these minutes

3) The minutes of all Personnel and Pastoral Committee meetings after 1st Feb 2017 and any documents filed with these minutes.

4) The minutes of all Finance and Resources Committee meetings on and after 8th May 2017 and any documents filed with these minutes

5) The most recent School Improvement Plan

6) The trust's full annual report and financial statements for the year ended 31 August 2016

7) The trust's annual budget allocation"

6. At the time of this notice the School had not responded to the request.

Scope of the case

7. The complainant contacted the Commissioner on 2 March 2018 to complain about the way his request for information had been handled.

8. The Commissioner has considered whether the School has complied with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

10. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

11. The request was made on 1 February 2018 and a response is yet to be provided. The Commissioner therefore finds that the School breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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

13. 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.
14. 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

Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF