

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 March 2022

Public Authority: Batley Grammar School
Address: Carlinghow Hill
Batley
West Yorkshire
WF17 0AD

Decision (including any steps ordered)

1. The complainant requested minutes of Governors, Committee, and Academy Member meetings from September 2018 to present. By the date of this notice Batley Grammar School ("the School") had not issued a substantive response to this request.
2. The Commissioner's decision is that the School has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the School to take the following step to ensure compliance with the legislation.
 - The School must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The School 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 14 December 2021, the complainant wrote to the School and requested information in the following terms:

“Please may you provide me with:

Governors Minutes and Committee Minutes and Academy Member Minutes from September 2018 to present

The trustees shall ensure that a copy of:

- a. the agenda for every meeting of the trustees;
- b. the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;
- c. the signed minutes of every such meeting; and
- d. any report, document or other paper considered at any such meeting, are, as soon as is reasonably practicable, made available at [every]/[the] academy to persons wishing to inspect them.

Please provide the information by email.”

6. The complainant wrote to the School again on 2 February 2022, resending their request, as they had not received acknowledgment of receipt of their initial correspondence.
7. On 2 February 2022 the School stated it had not received the original request of 14 December 2021 and formally acknowledged receipt of the request. To date, a substantive response has not been issued.

Scope of the case

8. The complainant contacted the Commissioner on 20 February 2022 to complain about the School’s failure to respond to their request.
9. The Commissioner has considered whether the School has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

10. Section 1(1) of FOIA states 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. 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”.
12. On 28 February 2022 the Commissioner wrote to the School, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
13. Despite this intervention the School has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the School did not deal with the request for information in accordance with FOIA. The Commissioner finds that the School has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Mike Lea
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