

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 March 2018

Public Authority: Ryde Academy Governors
Address: Pell Lane
Ryde
Isle of Wight
PO33 3LN

Decision (including any steps ordered)

1. The complainant requested information about school sanctions. The Academy has failed to respond to this request.
2. The Commissioner considers that the Academy breached section 10(1) of the 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 Academy must provide the complainant with a response to this request in accordance with its obligations under 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 20 December 2017 the complainant wrote to the Governors of Ryde Academy and requested information in the following terms:
 1. Kindly confirm the number of detentions, R3s and periods of isolation and or, twilight that [named pupil] has had in his time in Ryde Academy. As [named pupil's] father, I am perfectly entitled to this personal information.

2. Kindly confirm, without referencing any individual child, the same data for the worst behaved child in [named pupil's] cohort – i.e. within his year group.
 3. Kindly confirm the number of detentions, R3s and periods of isolation/twilight that the average student within Ryde Academy would expect to receive in any given year. Please use the 'mean average' and work to the whole number will be fine.
6. The Governors of Ryde Academy have failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 25 January 2018 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the Governors of Ryde Academy have dealt with this request in accordance with their 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 20 December 2017 and a response has not yet been provided. The Commissioner therefore finds that there has been a breach of section 10(1) in failing to respond within 20 working days.

Other Matters

12. The Commissioner would take this opportunity to point out that based upon the wording of part 1 of the request, this appears to be a subject access request under the Data Protection Act 1998 rather than an FOIA request. As such, when responding to parts 2 and 3 under FOIA, it may be that part 1 should be handled under the DPA.

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

Gemma Garvey
Senior Case Officer

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Water Lane
Wilmslow
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