

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 November 2023

Public Authority: Southwark Diocesan Board of Education Multi-Academy Trust

Address: 48 Union Street
London
SE1 1TD

Decision (including any steps ordered)

1. The complainant requested information from Southwark Diocesan Board of Education Multi-Academy Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10 of FOIA in that it failed to provide a valid response to the request within the statutory timeframe.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 21 September 2023, the complainant wrote to the public authority and in respect of St. Michael's East Wickham Church of England Primary School, requested information in the following terms:

"Hello,

Can you please answer a few questions regarding the pedestrian-safety situation around your school. All questions refer to the last three years.

1. Were there any collisions involving school-related pedestrians (students, parents, staff) in the school's vicinity? If yes, please provide brief details - ideally, year, category (student, parent, staff), location, severity.
2. Were there any collision "near-misses" involving school-related pedestrians (student, parents, staff) in the school's vicinity? If yes, please provide brief details - ideally, year, category (student, parent, staff), location.
3. Did the school raise any road-safety concerns with the Bexley council? If yes, please provide brief details - year, contact name or role, subject.
4. Did the Bexley council ask the school about its road-safety concerns? If yes, please provide brief details - year, contact name or role, subject.
5. Did the school raise any road-safety concerns with the local councillors or the local MP? If yes, please provide brief details - year, contact name, subject."

Reasons for decision

6. 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.”

7. Section 10 of FOIA states that a public authority must comply with section 1(1) promptly and in any event not later than the 20th working day following the date of receipt.
8. Organisations such as schools are granted additional time to respond to FOIA requests to take account of school holidays. Schools and academies may take up to 20 school days or 60 working days to respond (whichever is shorter).
9. On 28 October 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
10. Despite this intervention the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10 by failing to respond to the request within 20 school days and it is now required to respond to the request in accordance with FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Roger Cawthorne
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SK9 5AF