Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **5 October 2021**

Public Authority: **Adderley Primary School**
Address: **Arden Road**
Birmingham
B8 1DZ

Decision (including any steps ordered)

1. The complainant requested information from Adderley Primary School ("the School") about the school's staff disciplinary policy and procedure.

2. The Commissioner's decision is that the School breached section 10(1) of the FOIA by failing 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 steps to ensure compliance with the legislation.

    - Issue a substantive response to the request in accordance with its obligations under the FOIA.

4. The School 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 30 June 2021, the complainant wrote to the School and requested information in the following terms:

> *"Regarding [REDACTED], I require full copies of the SMT disciplinary policy and procedure for the school."*

6. The complainant wrote to the School for an update on their request on 20 July 2021.

7. By the date of this notice, the School had not provided a substantive response to the request.

Scope of the case

8. The complainant contacted the Commissioner on 23 August 2021 to complain about the School's failure to respond to the request.

9. The Commissioner contacted the School on 17 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

10. The Commissioner also contacted the complainant on 17 September 2021 to explain that the School had been given 10 working days from that date within which to provide a response to their request.

11. The scope of this notice and the following analysis is to consider whether the School has complied with section 10 of the FOIA.

Reasons for decision

12. Section 1(1) of the 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.*

13. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt*."

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 the FOIA. The Commissioner finds that the School has breached section 10(1) by failing to respond to the request within 20 working days.

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 .....

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