

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 May 2023

Public Authority: Board of Trustees South West Essex Community Education Trust (Marshalls Park Academy)

Address: William Edwards School
Stifford Clays Road
Grays
Thurrock
Essex
RM16 3NJ

Decision (including any steps ordered)

1. The complainant requested information about EBacc (English Baccalaureate) exams from the Board of Trustees South West Essex Community Education Trust (Marshalls Park Academy) ("the Trust"). By the date of this notice the Trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust 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 Trust to take the following step to ensure compliance with the legislation.
 - the Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust 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.

Background

The Commissioner recognises that the request was made to the Academy. However, for the purposes of schedule 1 of FOIA it is the proprietor of an academy, not the academy itself, which is the relevant public authority. It is therefore ultimately the Trust that has the obligation to respond under FOIA. In situations where a trust is the proprietor of more than one academy, the Commissioner would expect it to have processes in place to ensure that it met its FOIA obligations, regardless of whether requests were made via one of its academies or directly to the Trust itself.

Request and response

5. On 6 March 2023, the complainant wrote to the Marshalls Park Academy and requested information about Ebacc exams (see annex).
6. To date, a substantive response has not been issued.

Reasons for decision

7. 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."
8. Section 10(1) of 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".
9. On 10 May 2023 the Commissioner wrote to the Marshalls Park Academy, 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 Trust has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust 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.

Annex

EBacc 2019:

<p>How many pupils in 2019 were entered for all EBacc subjects for their GCSE exams? (Please provide number and percentage equivalent)</p>	
<p>Using the data from question 1, please provide a breakdown of the following groups:</p> <ul style="list-style-type: none"> • Male • Female • Pupil Premium (PP) • Non PP 	

EBacc 2022:

<p>How many pupils in 2022 were entered for all EBacc subjects for their GCSE exams? (Please provide number and percentage equivalent)</p>	
<p>Using the data from question 1, please provide a breakdown of the following groups:</p> <ul style="list-style-type: none"> • Male • Female • Pupil Premium (PP) • Non PP 	

EBacc 2023:

<p>How many pupils have been entered for all EBacc subjects for this years summer exams? (Please provide number and percentage equivalent)</p>	
<p>Using the data from question 1, please provide a breakdown of the following groups:</p> <ul style="list-style-type: none">• Male• Female• Pupil Premium (PP)• Non PP	
<p>Is your school intending to improve the current percentage of pupils being entered for all EBacc subjects. If so, please share any relevant documents which show how.</p>	

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

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