

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** **11 September 2023**

**Public Authority:** **London Borough of Croydon**

**Address:** **Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA**

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the London Borough of Croydon (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(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 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 2 July 2023, the complainant wrote to the public authority and requested information in the following terms:

“Please accept this as a formal Freedom of Information Request.

Please send me your LA's current FAP (Fair-Access Protocol) policy.

Please can you fill in the table attached.”

REASON FOR REFERRAL TO FAP AND DESTINATION (01.09.2023-03.07.2023)												
	Reintegration from AP to mainstream school		Transfer from mainstream to mainstream school - managed move or Pex and new mainstream placement deemed appropriate		No current school place in the LA area - move into AP (PRU, AP free school, AP academy or independent /unregistered AP)		No current school place in the LA area - move into maqitstream school		Non-PEx transition from Mainstream to AP (PRU, AP free school, AP academy or independent/unregistered AP)		Any other cases referred to the FAP which do not fit the previous categories (all are in mainstream LA school moving to alternative mainstream LA school)	
	Number of Cases	Number known to be successful	Number of Cases	Number known to be successful	Number of Cases	Number known to be successful	Number of Cases	Number known to be successful	Number of Cases	Number known to be successful	Number of Cases	Number known to be successful
Primary school pupils												
Secondary school pupils												

## 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(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”.
8. On 18 August 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.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. 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(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

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11. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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**