

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 January 2023

Public Authority: The Board of Governors of St Malachy's
Primary School Glencull

Address: 107 Omagh Road
Seskilgreen
Dungannon
Tyrone
BT70 2DB

Decision (including any steps ordered)

1. The complainant requested information about the way the above public authority ("the public authority") delivers its religious education curriculum.
2. The Commissioner's decision is that the public authority has failed to respond to the request within 20 working days and has therefore breached section 10 of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - provide a substantive response to the 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 11 November 2023, the complainant wrote to the public authority and requested information in the following terms:

“Item one:

- a) Please confirm whether or not there is a process which your school follows to determine which external visitors are given access to pupils for the purposes of delivering Religious Education, Collective Worship or Assembly.
(Yes/No)
- b) Please describe who is responsible for this policy.
(Governor / Principal / Vice-Principal / Senior Leader / Nominated Teacher / Non-teaching staff / Other (please describe))
- c) Are Access NI checks part of this process?
(Yes/No)

Item two:

- a) Please confirm whether or not a record is kept (including e.g. in a diary, calendar or rota) of external visitors to the school who are given access to your pupils for the purposes of delivering Religious Education, Collective Worship or Assembly.
(Yes/No)

Item three:

- a) Please provide a list of all churches, religious organisations or non-religious organisations which sent ministers or representatives to your school for the purposes of delivering Religious Education, Collective Worship or School Assemblies under Article 21 of The Education and Libraries (Northern Ireland) Order 1986 between 6th Nov 2022 and 5th Nov 2023. Please indicate the specific church or organisation represented (e.g: St Malachy’s, Belfast; Elim Bangor; Crown Jesus Ministries, Northern Ireland Humanists etc.). Please do NOT specify individuals’ names (see privacy notice above). Please include organisations which deliver prayer or worship as part of their service (e.g. include reading support and sports or activity providers etc. if they also lead individual or group prayer sessions).

- b) For each church, religious or non-religious organisation, please indicate how frequently they were given access during this period.
(More than once per week / Weekly / 1-3 times per month / Less than once per month)
- c) Please also confirm for each church or organisation whether up-to-date Access NI checks were obtained for all individual representatives.
(Yes/No)

Item four:

- a) Please indicate whether:
 - i) parents are actively made aware of the churches and/or organisations that visit the school to deliver Religious Education, Collective Worship or Assembly;
 - ii) this information is publicly available (e.g. on the school website);
 - iii) this information is available on request; OR
 - iv) this information is not made available to parents.
(Actively / Info is publicly available / On request / Info is not made available)

Item five:

- a) There is a legal requirement to publish in the school prospectus the procedure which parents should follow to withdraw their child from Religious Education and/or Collective Worship. Please confirm that your prospectus contains this information.
(Yes/No)
- b) Please indicate whether:
 - i) this prospectus is actively sent (either physically or via email) to all parents;
 - ii) it is published and accessible (e.g. on the school website); OR
 - iii) it is only made available upon request.
(Actively distributed / Publicly available / On request)

Item six:

- a) Please provide the total number of pupils at your school who are currently withdrawn from Religious Education and/or Collective Worship.

Item seven:

- a) Please provide a brief outline of the current alternative provision arrangements for those children who are withdrawn from Religious Education and/or Collective Worship. Specifically, please provide examples of the alternative activities they are engaged in.
 - b) Do these activities take place in a separate dedicated space (i.e. removed from the classroom or assembly hall where RE/CW is being delivered)?
(Yes/No)
 - c) Please confirm whether or not these children are excluded from any whole school activities (such as but not limited to e.g. celebrations of success) as a result of their withdrawal.
(Yes/No)."
6. Despite a further chaser, the public authority had failed to provide a substantive response by the date of this notice.

Reasons for decision

7. The Commissioner considers that the request in question constituted a valid request for recorded information under FOIA. This is because it was in writing, included an address for correspondence and identified recorded information that the requester wished to receive
8. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the public authority has breached section 10 of FOIA and it must now issue a substantive response within 35 calendar days.
9. The public authority may find the Commissioner's [guidance on request handling](#) and [request handling flow chart](#) helpful when preparing its response.

Right of appeal

10. 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

11. 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.
12. 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
Team Manager
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF