

# Freedom of Information Act 2000 (FOIA)

## Decision notice

**Date:** 24 October 2024

**Public Authority:** Bath College

**Address:** City Centre Campus  
Avon Street  
Bath  
BA1 1UP

### Decision (including any steps ordered)

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1. The complainant requested information from Bath College ("the College") relating to certain courses and members of staff. The College disclosed some information in response to the request, however it refused to disclose the remainder, citing section 40(2) of FOIA as a basis for non-disclosure.
2. The Commissioner's decision is that the College has failed to comply with sections 1(1)(b) and 10(1) of FOIA.
3. The Commissioner requires no steps to be taken.

### Request and response

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4. On 27 February 2024 the complainant requested the following information from the College:-
  1. What courses does [name redacted] teach at Bath College (City Centre campus and Somer Valley campus) and since when?"
  2. What training (and when) has been provided to [name redacted] at Bath College?"

3. What training (and when) has been provided to senior staff [names redacted] at Bath College?
4. Does Bath College provide a cover for absent tutors at Counselling skills courses? Who is covering for them?
5. How many of [name redacted]'s absences at Bath College for this academic year were covered by another tutor? If any, by whom were they covered and when?
6. How many times has [name redacted] been absent from each of his courses this academic year?
7. How many complaints have been submitted about [name redacted] at Bath College? If any, what was the nature of these complaints?
8. How many students have been suspended from [name redacted]'s courses at Bath College? If any, what was the reason for these suspensions?
9. How many students were enrolled for the Level 2 Counselling Skills course taught by [name redacted] at City Centre campus this year? How many of them have withdrawn?
10. How many Polish nationals have studied at Bath College each year since 2015?
11. Is Bath College's employee [name redacted] also a student at Bath College?
12. Is [name redacted] a UK national or a migrant employee at Bath College?

Under reasonable adjustments, as a disabled student, I would also like you to provide me with a hard copy of the following:-

1. Safeguarding policy for Bath College.
  2. Complaints procedure for Bath College.
  3. Equity Policy for Bath College.
  4. Student handbook for Bath College.
  5. The outcome of my welfare grievance.
  6. The outcome of my grievance against [name redacted]."
5. The College responded to the request on 8 March 2024, providing some information but refusing to provide the remainder, citing section 40(2) (personal data) of FOIA as a basis for non-disclosure.

6. The complainant sought an internal review on 25 March 2024 of the College's handling of the request, which was not provided until 20 September 2024.

### **Scope of the case**

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7. Following correspondence from the Commissioner, the College provided the complainant with all of the requested information other than that requested in part 12 of the request, to which it still applied section 40(2). The complainant appears to accept the application of section 40(2) to that part of the information, so the Commissioner has not considered it in this decision notice.
8. As the College did not provide the complainant with a full response to their request within 20 working days of the request, the Commissioner finds that the College has breached sections 1(1)(b) and 10(1) of FOIA.

### **Other matters**

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9. The Commissioner also finds it necessary to record within this decision notice the time taken by the College to provide its internal review response. There is no obligation under FOIA for a public authority to provide an internal review process. However, it is good practice to do so, and where an authority chooses to offer one, the code of practice<sup>1</sup> established under section 45 of FOIA sets out, in general terms, the procedure that should be followed.
10. The code states that reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances. In no case should the internal review exceed 40 working days.
11. The complainant asked for an internal review on 25 March 2024. An internal review was provided on 20 September 2024, this was outside of 40 working days.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/744071/CoP\\_FOI\\_Code\\_of\\_Practice\\_-\\_Minor\\_Amendments\\_20180926\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf)

12. The Commissioner considers that in failing to conduct an internal review within the timescales set out above, the College has not acted in accordance with the section 45 code. This is a matter that may be revisited should similar outcomes be noted by the Commissioner in any future cases relating to the College.

## Right of appeal

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13. 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: 0300 1234504  
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)

14. 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.
15. 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 .....**

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**