

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 November 2024

Public Authority: Board of Directors of the First Federation Trust

Address: Willowbank Primary School
Manitoba Gardens
Cullompton
Devon
EX15 1EZ

Decision (including any steps ordered)

1. The complainant has requested information relating to the decision making around proposed changes to the school uniform at Willowbank Primary School (the school). The Commissioner's decision is that, on the balance of probabilities, the school does not hold the requested information.

Request and response

2. On 9 March 2024, the complainant submitted the following request for information to the school:

"Further to the consultation notification (dated 27th Feb) I would like to ask under the Freedom of Information Act, that I receive documentation pertaining to the decision making around the proposed changes to school uniform. In particular regarding the information contained in the table relating to the current and 2 proposed uniform which is stated as fact. I would like to see the evidence upon which these statements have been made."

3. The final position of the school is that it does not hold the requested information.

Scope of the case

4. The complainant contacted the Commissioner on 15 May 2024 to complain about the way their request for information had been handled.
5. The Commissioner considers that the scope of his investigation is to determine whether the school holds the requested information.

Reasons for decision

Section 1 – Information not held

6. Under section 1(1) of FOIA, anyone who requests information from a public authority is entitled:
 - a) to be told if the authority holds the information and,
 - b) to have the information communicated to them if it is held and is not exempt information.
7. Where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of “the balance of probabilities”.
8. In other words, in order to determine such complaints, the Commissioner must decide whether it is more likely than not that the public authority holds any information which falls within the scope of the request (or held it at the time of the request).
9. In this case, the request is for all documents relating to the decision making around the proposed changes to the school uniform.
10. The school has maintained its original position that it does not hold any information relating to the decision making around the proposed changes to the school uniform.
11. The school stated that a new uniform was discussed in senior leadership meetings and during informal discussions between colleagues.
12. The school stated that there are no minutes or records of these discussions and confirmed that it does not record minutes of leadership meetings.

13. In the complainant's request for information, they asked for evidence that supported the points made in a table, which was included in a consultation letter sent by the school to parents.
14. The Commissioner understands that the table provided details of the current uniform and the proposed uniform changes, with an explanation of the reason for the proposed change under each heading. For example, under the "current" heading, the school explained that the white shirt and tie is uncomfortable for children to wear.
15. The Commissioner asked the school how it came to the views provided in the table in the consultation letter about the current uniform and proposed uniform changes.
16. The school has explained that the deputy at the time made some assumptions regarding the reasons given for the changes, based on their experiences in school and chatting to pupils. It confirmed that there are no records for the views provided in the table in the consultation letter.
17. The school stated that the only information it holds is the uniform consultation letter sent to parents and the responses from parents who responded to the consultation about the uniform. The complainant is already in possession of the letter in question, and it does not fall within the scope of this request. The responses from parents are the subject of a separate FOIA request from the complainant and are therefore not covered in this decision notice.
18. The Commissioner is satisfied that, on the balance of probabilities, the school does not hold the requested information.
19. The Commissioner appreciates that the complainant may believe that the school should hold the requested information. However, FOIA's purpose is to provide transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities at the time the request for that information is made. FOIA does not cover whether public authorities should hold information - it only provides access where information is held.

Right of appeal

20. 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

21. 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.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF