

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 January 2015

Public Authority: Wood Fold Primary School
Address: Green Lane
Standish
Wigan
WN6 0TS

Decision (including any steps ordered)

1. The complainant has requested information concerning the appointment of a named individual who was employed to conduct an independent review of an internal matter at Wood Fold Primary School ("the School").
2. The School provided the complainant with some information within the scope of his requests and explained that it held no recorded information within the scope of the remaining requests.
3. The Commissioner's decision is that the School has provided the complainant with all the recorded information it holds that falls within the scope of the requests.
4. The Commissioner requires the public authority to take no steps.

Request and response

5. On 10 February 2014, the complainant wrote to the School and requested information in the following terms:
 1. *"A copy of [redacted name] Business card"*
 2. *How was this business card obtained by [redacted name]*
 3. *Who provided this business card and when was it provided?*
 4. *How were you made aware of the services and the other 4 organisations considered for this appointment?*

5. *What inquiries took place with them?*
 6. *When did these inquiries take place*
 7. *Who made these inquiries*
 8. *Were financial costs taken in to consideration?*
 9. *Provide details of all inquiries including copies of information obtained from all 5 organisations that were considered, regarding skills, knowledge, expertise, experience and charges for services required?*
 10. *Copy of Schools contact with [redacted name]?*
 11. *Copies of correspondence with [redacted name] regarding payment details for this service, including all invoices.*
 12. *Is there a requirement to ensure competitive tendering for all outside services being obtained?*
 13. *Please provide copies of all relevant rules/regulations/guidelines that control expenditure?*
 14. *Please provide copies of all relevant rules/regulations/guidelines that control schools expenditure.*
 15. *Is [redacted name] authorised to commit the school to an item of expenditure of over £2,000 without consulting anyone else before she does so?*
 16. *If she is please provide a copy of the regulation giving this authority?"*
 17. *If not, who authorised the payment of over £2,000 for [redacted name] service's?"*
6. The School responded on 12 March 2014. It provided the complainant with some information within the scope of requests 1, 8, 10, 11, 12, 13, 14, 15, 16 and 17. It further explained that it did not hold any recorded information within the scope of requests 2, 3, 4, 5, 6, 7, and 9.
 7. On the 16 March the complainant wrote to the School and asked for an internal review to be carried out.
 8. Following an internal review the School wrote to the complainant on 19 May 2014. The School maintained its position that it had provided the complainant with all the recorded information that fell within the scope of his requests. However it explained that it had located a letter that fell within the scope of request 11 and disclosed this to him.

Scope of the case

9. The complainant contacted the Commissioner on 12 August 2014 to complain about the way his request for information had been handled. Specifically he believed the School held recorded information within the scope of requests 2, 3, 4, 5, 6, 7 and 9.
10. During the Commissioner's investigation the School explained that it did hold information that fell within the scope of request 4. However, it explained that this information was exempt from release under section 41 of FOIA. The Commissioner subsequently returned to the School for further arguments regarding its application of section 41. In its response the School explained that it was incorrect to cite section 41 as the information did not fall within the scope of request 4. The School subsequently confirmed that it held no recorded information within the scope of request 4.
11. The Commissioner has therefore had to consider whether the School holds any recorded information within the scope of request 2, 3, 4, 5, 6, 7 and 9.

Reasons for decision

12. Section 1 FOIA states that:

(a) "Any person making a request for information to a 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"

13. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complaint believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
14. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
15. The complainant has argued that the School would hold information within the scope of requests 2, 3, 4, 5, 6, 7 and 9.

16. The Commissioner subsequently returned to the School and asked it to reconsider its handling of the request. Specifically he asked the School to confirm whether it held any recorded information which may be captured by requests 2, 3, 4, 5, 6, 7 and 9.
17. In relation to requests 2 and 3, the School explained that members of staff and members of the Governing Body attend various training events and on occasions business cards are received from various service providers. The School confirmed that it has no business purpose or requirement to record how the business cards are obtained. It further confirmed that there is no business purpose or requirement to record when and how business cards are received.
18. With reference to request 4, the School explained that a verbal communication had taken place in which the School had been made aware of the other four organisations. The School confirmed that the verbal communication had not been recorded and consequently it held no recorded information within the scope of request 4.
19. With regards to request 5, 6 and 7 the School explained that it had made enquires to the service providers. It confirmed that these were verbal enquires between the School and the LA Governor Team and were not recorded.
20. In relation to request 9 the School explained that it holds no recorded information relating to details of the enquires it made and there is not requirement for the School to hold this information. It informed the Commissioner that it is only required to get written quotations when the service costs are over £10,000.
21. After reviewing the submissions provided by the School, the Commissioner is satisfied that on the balance of probabilities, the School has provided the complainant with all the recorded information it holds that falls within the scope of his requests.

Right of appeal

22. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. 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.
24. 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

Rachael Cragg
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