

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 November 2019

Public Authority: International Academy of Greenwich
Address: 21 Meadowcourt Road
London
SE3 9DU

Decision (including any steps ordered)

1. The complainant has requested information from the International Academy of Greenwich (IAG) relating to compliance with its funding agreement.
2. The Commissioner has determined that, on the balance of probabilities, the IAG does not hold any further information within the scope of the request. She therefore considers that the IAG has complied with its obligations under section 1(1) of the FOIA. However, she finds that it contravened its obligations under section 10 of the FOIA in failing to respond in a timely manner in accordance with the legislation.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 1 March 2019, the complainant wrote to the IAG and requested information in the following terms:

"I submit the following Freedom of Information request and look forward to your response within 20 working days."

1. 24th January 2018, Greenwich Academy Trust Accounting officer [Named Person] assured the public and Companies House in a statement, in a legal document-Greenwich Academy Trust Annual reports and Accounts 2016-2017 that no instances of funding non-compliance had been identified. We are further assured that if the Accounting Officer was capable of identifying any instances of funding non-compliance, she will dutifully notify the board and the ESFA.

Please provide a copy of when [Named Person] notified the ESFA and the Board that Greenwich Academy trust had NOT complied with terms of its Funding Agreement.

2. On the 21st December 2018, this time in the Greenwich Academy Trust Annual reports and Accounts 2017-2018, we were told that the Accounting Officer had reviewed the Academies Financial Handbook. Given that the Academies Financial Handbook requires trusts to submit accounts returns on certain dates throughout the year, and that the ESFA has confirmed that once again, Greenwich Academy Trust did not comply with its Statutory obligations:

Has the Accounting officer notified the board and the ESFA of this?

Please provide a copy of any such notification.

3. It has been noted that the acting 'director' of the Maths department is also director of the English department. IAG has advertised for the last three months for a new Director of Maths

a) Will IAG be correcting false information in advertisements that says it will be moving in to a new building in 2020?

b) Are ANY of IAG's Maths teachers specifically qualified to teach maths?

c) Will IAG pupils have a Director of Maths, that is qualified specifically to teach Maths before the start of the next academic year- September 2019?"

5. Following the complainant contacting the IAG on 2 April 2019, advising they had not received a response, the IAG responded on the same day, providing some information within the scope of the request.
6. Following an internal review the IAG wrote to the complainant on 29 April 2019. It added to some of its previous responses, providing further detail in relation to the request.

Scope of the case

7. The complainant contacted the Commissioner on 8 May 2019, to complain about the way her request for information had been handled.
8. The Commissioner clarified with the complainant which part of the request she felt had not been answered. The complainant confirmed that this was questions 1 and 2 of the original request made to the IAG on 1 March 2019. As such, this decision will focus on only these questions and the IAG's response to them.
9. The scope of this decision is to determine if the IAG correctly refused the request, relying on section 1 of the FOIA.

Reasons for decision

Section 1 – information held by public authorities

10. Section 1 of the FOIA states that:

"(1) 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."

11. Where there is some dispute between the amount of information identified 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 decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information within the scope of the request (or was held at the time of the request).
12. For clarity, the Commissioner is not expected to prove categorically whether the information was held, she is only required to make a judgement on whether the information was held on the civil standard of the balance of probabilities.
13. The complainant has explained that she was looking for evidence of when the accounting officer notified the ESFA and the board that the IAG had not complied with the terms of its funding agreement. Additionally, she explained that she is looking for evidence that the

accounting officer informed the board and the ESFA that the IAG did not comply with its statutory obligations to submit accounts returns on certain dates.

14. The IAG advised the Commissioner that it provided all information which falls within the scope of the request to the complainant.
15. The Commissioner has sought to determine whether, on the balance of probabilities, the IAG holds any further relevant information.
16. The Commissioner asked the IAG questions about the searches it had made to locate the information which the complainant seeks, and questions about the possible deletion/destruction of information which might be relevant to the complainant's request.
17. The IAG advised the Commissioner that it carried out searches of the relevant documentation and explained that no information relevant to the request had been deleted or destroyed. It explained to the Commissioner that it reviewed relevant documentation, which included board minutes and emails sent by the principal and chair of governors. The IAG advised that these were the key parties involved in the audit and accounts process and therefore, any correspondence on the requested information would have involved them.
18. Having considered the IAG's response, and on the basis of the evidence provided to her, the Commissioner is satisfied that on the balance of probabilities, the IAG does not hold any further information in relation to the requested information.

Section 10(1) – Time for response

19. Section 10(1) of the FOIA requires a public authority to respond to an information request promptly and in any event not later than the twentieth working day following the date of receipt.
20. In this case, the complainant made the request on 1 March 2019 and the IAG responded on 2 April 2019.
21. This is outside the required 20 working days to respond and therefore the Commissioner finds that the IAG breached section 10(1) of the FOIA.
22. As the public authority has now responded, the Commissioner does not require it to take any steps.

Right of appeal

23. 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

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

24. 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.
25. 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

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