

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 26 April 2022

**Public Authority:** Brighton and Hove City Council (the Council)

**Address:** Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JE

### **Decision (including any steps ordered)**

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1. The complainant made a request for information on 4 July 2021 relating to any incidents of alleged or actual sexual harm, including sexual harassment, sexual bullying and sexual violence (including rape and attempted rape) in schools. The Council has failed to respond to the request.
2. The Commissioner considers that the Council has breached section 10(1) FOIA as it has failed to respond within the statutory time for compliance.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide a response to the request in compliance with 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 Act and may be dealt with as a contempt of court.

### **Request and response**

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5. On 4 July 2021 the complainant requested information of the following description:

"I am writing to you under the Freedom of Information Act 2000.

This FOI request relates to any incidents of alleged or actual sexual

harm, including sexual harassment, sexual bullying and sexual violence (including rape and attempted rape) in schools.

I request the following information:

- \* The number of reported incidents (or estimates thereof) of peer-on-peer sexual harm in all Brighton and Hove schools and colleges since 2016
- \* Any analysis of bullying, including reported reasons for bullying, in schools since 2012
- \* The internal guidance or process that is followed when reports of peer-on-peer sexual harm are received by the council
- \* Any guidance that the council recommends to schools relating to incidents of peer-on-peer sexual harm
- \* Any analysis of how many schools and colleges in Brighton and Hove are using the recommended guidance and whether the guidance is effective in reducing sexual harm since 2016
- \* How many teachers have received continuing professional development and training in recognising and tackling sexism
- \* Which external groups or organisations has the council consulted with in the development of policies and guidance in relation to sexual harm in Brighton and Hove schools and colleges since 2016"

6. The Council failed to respond to the complainant's request.
7. Due to the lack of response, the complainant submitted a complaint to the Information Commissioner on 25 March 2022.
8. The Commissioner wrote to the Council on 2 April 2022 reminding it of its obligations under FOIA to respond to this request.
9. The Council failed to provide a response to the complainant or reply to the Commissioner.

### **Scope of the case**

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10. The complainant contacted the Commissioner as the Council failed to respond to the request.
11. The Commissioner has considered whether the Council complied with its obligations under section 10(1) FOIA in its handling of this request.

### **Reasons for decision**

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12. Section 10(1) provides that:

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

13. Section 1(1) provides that:

*"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."*

14. The original request was made on 4 July 2021 and a response is yet to be provided by the Council. The Commissioner therefore finds that the Council breached section 10(1) in failing to provide a response within 20 working days.

## **Right of appeal**

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15. 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)

16. 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.
17. 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.....**

**Gemma Garvey**  
**Senior Case Officer**

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**