

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2014

Public Authority: Bedford Free School
Address: Cauldwell Street
Bedford
MK42 9AD

Decision (including any steps ordered)

1. The complainant requested various information on Bedford Free School's decision making process for the appointment of co-opted governors. Bedford Free School failed to respond to this request and the Commissioner's decision is that in so doing it breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires Bedford Free School to take the following steps to ensure compliance with the legislation.
 - Respond to the request dated 2 March 2014.
3. Bedford Free School 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

4. On 2 March 2014 the complainant wrote to Bedford Free School and requested information in the following terms:

*'Further, I am now exercising my right to request the answers to the questions I raised and the information I requested in my letter of the 2nd February 2014 as a **'Freedom of Information Request under the Freedom of Information Act 2000'**, to be processed accordingly. Please provide the following information/details:*

1. *I am aware that the processes used to inform myself, (name redacted) and (name redacted) of the decisions reached were completely different. Why was this?*
2. *Was an Equality Impact Assessment/Analysis carried out or any type of risk assessment into the restructuring of the governing body?*
3. *In the email dated the 21st January 2014 from (name redacted) about appointed member governors, it stated that 3 governors were to be selected from the 4 named individuals in the email. It suggested that there were 3 vacant posts. (Name redacted) resigned as a governor of BFS during the afternoon of the 27th January - so why were the 3 remaining governors simply not slotted in. I would like details on why this didn't happen?*
5. *Given that I am not known by the parent governors and vice versa how were they able to assess my skills and abilities etc? What information were they given and by whom? How long did the discussions take for each of us (names redacted and me) and what were the key themes?*
6. *What did the assessment consist of in terms of?*
 - ✓ *skills sets required*
 - ✓ *how was this evidenced and scored*
 - ✓ *what additional attributes were considered*
 - ✓ *who lead this process*
 - ✓ *why and where was I considered to be deficient and unsuitable*
 - ✓ *what scores did I achieve and out of how many*
 - ✓ *how did my scores compare to the others*
 - ✓ *why were people not ask to submit a CV for assessment*
7. *All the documentation referred to during the meeting on the 27th January 2014*
8. *Original manuscript and a typed copy of the minutes of the meeting (27th January 2014) which should include all oral contributions.*
9. *Who attended the meeting – did it include the Principal and if so in what capacity did he attend? Did he contribute to the process – if so what and why?*
10. *Did you or the Principal have any meetings or discussions with the parent governors outside of the meeting of the 27th January 2014? in relation to (names redacted) or me? If so how was that conducted and what was the outcome?'*

5. Bedford Free School acknowledged receipt of the request on 17 March 2014.
6. At the time of writing, Bedford Free School has failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 11 May 2014 to complain about the failure by Bedford Free School to respond to her information request and confirmed on 16 May 2014 that she still had not received a response.

Reasons for decision

Sections 1 and 10 of the FOIA

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
10. In this case Bedford Free School has breached sections 1(1) and 10(1) of the FOIA by failing to respond to the request within 20 working days.
11. At paragraph 2 above Bedford Free School is now required to respond to the complainant's request in accordance with the FOIA.

Right of appeal

12. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

13. 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.
14. 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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SK9 5AF