

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 December 2012

**Public Authority:** Desborough School  
**Address:** Shoppenhangers Road  
Maidenhead  
Berkshire  
SL6 2QB

#### Decision (including any steps ordered)

---

1. The complainant has requested:

*Information relating to Desborough School's application to the Department for Education (DfE) to become an academy sponsored by the Education Fellowship together with information on the employment package of its interim head.*

2. The Commissioner's decision is that Desborough School has breached section 10 of the FOIA by failing to respond to the complaint's request promptly or in any event within 20 working days.

3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.

- Provide a response to the request that complies with section 1 of the FOIA. This response should, unless a provision removing that obligation is claimed, confirm or deny whether recorded information falling within the scope of the request is held. In relation to any information that is held, this should either be disclosed, or valid reasoning for the purposes of the FOIA should be given as to why this information will not be disclosed.

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

---

5. On 16 July 2012 the complainant wrote to Desborough School and requested information in the following terms:

*'This is a request for information from the governors of Desborough School under the Freedom of Information legislation.*

*I would be grateful if you could provide a copy of Desborough Schools's application to the DfE to become an academy sponsored by the Education Fellowship. Please could you provide copies of all correspondence between the school and the DfE about the application. Could you supply any correspondence that deals with the academy consultation that has been carried out.*

*Could you also supply information on the employment package of the interim head, Paul Frazer. Could you supply: the name of his direct employer; details of his employment contract; his pay; any benefits that have been agreed and any expenses that have been agreed. Thanks. You can contact me if you need to clarify any details of the request. Thanks'*

6. On 28 August 2012 the complainant wrote to Desborough School again with a copy of her original request and reminded it that she was still waiting for a response.

## Scope of the case

---

7. On 30 August and 4 October 2012 the complainant contacted the Commissioner to complain that Desborough School had failed to respond to her request for information.

## Chronology

---

8. On 5 October 2012 the Commissioner wrote to Desborough School and stated that the complainant was waiting for a response to her request dated 16 July 2012. He said that a response should have been issued within 20 working days and invited it to respond within 10 working days.
9. In the absence of a response by 5 November 2012 the Commissioner wrote to Desborough School again and informed it that the complainant's case was being considered under section 50 of the FOIA. He said that if it was withholding any of the information requested it

should specify which exemption or exemptions under Part II of the FOIA it was applying.

10. As at the date of this Decision Notice no response has been received from Desborough School.

## **Reasons for decision**

---

### **Sections 1 and 10**

11. Sections 1 and 10 of the FOIA provide that a public authority is obliged to respond to an information request promptly and in any event within 20 working days of receipt with confirmation or denial of whether the requested information is held. For any information that is held, this should either be disclosed, or the public authority should give valid reasoning under the FOIA as to why it would not be disclosed.
12. In this case Desborough School has failed to provide a response to the request that complies with these requirements. In so doing it has breached sections 1 and 10 of the FOIA. At paragraph 3 above Desborough School is now required to provide a response to the complainant's requests that is valid for the purposes of the FOIA.

## Right of appeal

---

13. 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: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

14. 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.
15. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**