

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 February 2021

Public Authority: Hampden Gurney CofE Primary School (the School)

Address: 13 Nutford Place
London
W1H 5HA

Decision (including any steps ordered)

1. The complainant requested information relating to support for children during Covid-19 and for information relating to the senior leadership at the School. The School failed to respond to this request within the statutory time for compliance.
2. The Commissioner considers that the School has breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a response in accordance 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

5. On 6 October 2020 the complainant wrote to the School and requested the following information:
 1. Any information including emails about the school plan to teach children in the Covid-19 situation

2. Any minutes of meetings or any documents/emails where discussions have taken about providing support to children during the Covid-19 situation, whether this is formal or not.
 3. School policy on remote learning for children and teaching staff.
 4. Number of electronic devices available per child, such as iPad, in school for children to use.
 5. Amount of extra funding been made available per child to the school to teach children as a result of Covid-19.
 6. Any information about extra training for the teaching staff to use technology to teach children remotely. If applicable, provide names of courses, training materials and their content.
 7. A list of named senior leadership team and the length of time including start date in the role for each leader.
6. The School failed to respond to the request.

Scope of the case

7. The complainant contacted the Commissioner as the School had failed to respond to his FOIA request.
8. The Commissioner contacted the School on 7 December 2020 reminding it of its obligations under FOIA.
9. The complainant contacted the Commissioner on 27 January 2021 to confirm the School had still not responded to the request despite the Commissioner's involvement.
10. The Commissioner considered whether the School has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

11. 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."

12. 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.”

13. The original request was made on 6 October 2020 and a response has yet to be provided. The Commissioner therefore finds that the School breached section 10(1) in failing to respond within 20 working days.

Right of appeal

14. 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

15. 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.
16. 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

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Cheshire
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