

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2023

Public Authority: The Governing Body of the Harris Federation
Address: 4 Norfolk House
15 Wellesley Road
Croydon
CR0 1LH

Decision (including any steps ordered)

1. The complainant requested information relating to statistics regarding English Baccalaureate at Harris Federation (HF). By the date of this notice HF had not issued a substantive response to this request.
2. The Commissioner's decision is that HF has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires HF to take the following step to ensure compliance with the legislation.
 - HF must provide a substantive response to the request in accordance with its obligations under FOIA.
4. HF must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 4 March 2023, the complainant wrote to HF and requested information in the following terms:

"Please can I request that the information in the attached document is added and sent back to me. The information is regarding EBacc (English Baccalaureate) in secondary schools and is being sent to an extensive list of schools.

Please note that I am requesting this information under the Freedom of Information Act. Should you have any questions, please direct them to me and I will try my best to answer them.

Thank you for your time in dealing with this request.

(The attached document reads as follows)

EBacc 2019:

How many pupils in 2019 were entered for all EBacc subjects for their GCSE exams? (Please provide number and percentage equivalent)

Using the data from question 1, please provide a breakdown of the following groups:

- Male
- Female
- Pupil Premium (PP)
- Non PP

EBacc 2022:

How many pupils in 2022 were entered for all EBacc subjects for their GCSE exams? (Please provide number and percentage equivalent)

Using the data from question 1, please provide a breakdown of the following groups:

- Male
- Female

- Pupil Premium (PP)
- Non PP

EBacc 2023:

How many pupils have been entered for all EBacc subjects for this years summer exams? (Please provide number and percentage equivalent)

Using the data from question 1, please provide a breakdown of the following groups:

- Male
- Female
- Pupil Premium (PP)
- Non PP

Is your school intending to improve the current percentage of pupils being entered for all EBacc subjects. If so, please share any relevant documents which show how.)" (sic)

6. To date, HF have not provided a substantive response to the request.

Reasons for decision

7. Section 1(1) of FOIA states 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."

8. Section 10(1) of 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".

9. On 5 June 2023 the Commissioner wrote to HF, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention HF has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that HF did not deal with the request for information in accordance with FOIA. The Commissioner finds that HF has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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