

Freedom of Information Act 2000 (FOIA)

Decision notice

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Date: 14 January 2013

Public Authority: City of London Academy, Islington (COLA-I)

Address: Prebend Street
Islington
N1 8PQ

Decision (including any steps ordered)

1. The complainant has requested information about threshold pay and expenses reimbursements received by City of London Academy, Islington ("COLA-I") staff members. The request was correctly responded to under the FOIA in September 2012, four months after the initial request. The complainant has specifically requested a decision notice regarding the time taken to respond. The Commissioner recognises that COLA-I did respond to the request by discussing the matter with the complainant at a meeting prior to this, and that COLA-I has stated that it was not aware that it also needed to respond in writing.
2. The Commissioner's decision is that COLA-I has breached section 10 of the FOIA as it failed to respond to the request properly and in accordance with the FOIA.
3. COLA-I has now issued a proper response under the FOIA to the request. The Commissioner therefore does not require any further steps to be taken by COLA-I.

Request and response

4. On 31 May 2012, the complainant wrote to COLA-I and requested information in the following terms:

"1. Details of how many COLA-I teachers, who are entitled to threshold pay, have been refused this payment by the City of London Academy Islington in the last three years. If applicable, on what grounds was each refusal made?"

2. The number of COLA-I staff members, in the last three years, who have paid for items (used by the Academy/staff/students) using their own cash/credit cards and had this sum declined (please supply the amount per teacher) after filling out any and all Academy claim forms. If applicable, on what grounds was each refusal for reimbursement made?"

5. COLA-I responded on 27 September 2012. It answered the two requests as follows:

1. OVER THE PAST THREE YEARS, THREE STAFF HAVE BEEN REJECTED INCREASES THROUGH THEIR SCALE. ALL DUE TO PERFORMANCE AND RESULTS.

2. NONE – AS ALL AMOUNTS PAID OUT HAD PRIOR APPROVAL OF BUDGET HOLDERS BEFORE SUCH AMOUNTS WERE SPENT.

6. The Commissioner notes that although COLA-I did not respond properly in accordance with the FOIA until 27 September 2012, it did respond otherwise to the complainant before this date. The Commissioner recognises that this request is surrounded by a number of issues, and that the school has made attempts to resolve these matter informally by offering to meet with the complainant to discuss these matters.
7. COLA-I acknowledged receipt of this request and of surrounding correspondence relating to this dispute, and offered meetings to discuss the matter.
8. COLA-I stated that it had responded verbally to the request in a meeting dated 10 July 2012.
9. COLA-I responded properly and in writing in a letter dated 27 September 2012.

Scope of the case

10. The complainant contacted the Commissioner on 20 July 2012 to complain about the way his request for information had been handled. The complaint was that COLA-I had not responded to his request in accordance with the FOIA. Since then, COLA-I has issued a proper response to this request. It responded to this request (and to several other requests made by the complainant) in a letter dated 27 September 2012.
11. The Commissioner considers that the scope of this case is to decide whether or not COLA-I did respond to the request properly and within the correct timescale.

Reasons for decision

12. Section 1 of the FOIA provides that:

"(1) 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 the information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

13. Section 10(1) of the FOIA provides:

"...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."

14. COLA-I confirmed to the Commissioner that it received the request for information on 1 June 2012.

15. COLA-I explained to the Commissioner that there are a number of factors surrounding this case which have led COLA-I to respond in the manner that it did.

16. In a letter to the Commissioner dated 14 November 2012 COLA-I explained that the request was made in the context of an ongoing dispute between the complainant and COLA-I. Specifically, that the complainant is a former employee at COLA-I and is in the process of making claims for threshold pay and expenses. COLA-I further explained to the Commissioner that it had made several attempts to answer the

requests and resolve this whole matter informally, in that it attempted to arrange a meeting to discuss these matters with the complainant.

17. COLA-I specifically explained that it had tried to set up a meeting with the complainant in order to ascertain which information he requires and to settle these issues and requests together. COLA-I explained that these meetings would have been within the 20 working day timescale, but that the complainant initially declined to attend the meeting. The complainant then decided to take up the offer. A meeting took place on 10 July 2012. COLA-I stated that it had responded verbally to the request in this meeting, which took place 21 days after the initial request. COLA-I explained that it had viewed this as a proper response, but since that time realised its mistake. COLA-I therefore responded in writing in a letter dated 27 September 2012, following additional requests for information from the complainant. In this response COLA-I also stated that it viewed subsequent requests to be vexatious.
18. COLA-I sent the outcome of an internal review to the Commissioner in a letter dated 12 December 2012. COLA-I maintained that it had responded fully to the request.
19. The Commissioner recognises that COLA-I has made attempts to respond to the request, but that it failed to respond to the request in line with the provisions of the FOIA. Namely, that COLA-I did not respond to the request properly and in writing within the timescale stipulated in the FOIA.
20. The Commissioner therefore finds that COLA-I has breached section 10 of the FOIA.

Right of appeal

21. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

22. 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.
23. 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

Pamela Clements
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