

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 4 February 2014

Public Authority: Activate Learning
Address: Oxpens Road
Oxford
OX1 1SA

Decision (including any steps)

1. The complainant has requested information from Activate Learning in relation to the approved admissions code of practice or Student Admissions Policy or other terms of reference that are considered in the admissions process to the college. Activate Learning failed to deal with his request within the statutory time limits and did not provide a response to the request until requested to do so by the Information Commissioner(the "Commissioner").
2. The Commissioner's decision is that Activate Learning has failed to provide a response to the request within the statutory time frame of 20 working days. He upholds the complaint but requires no further action to be taken as a response has now been provided to the complainant.

Request and response

3. On 17 September 2013 the complainant requested information of the following description from Oxford and Cherwell Valley College ("OCVC"):

"To ensure all elements of the admissions process are open and transparent please make sure copies of approved admissions code of practice or Student Admission Policy or any other terms of reference in admission are forward to me prior to scheduling this meeting."
4. On 1 October 2013 the complainant contacted OCVC to advise that he had received no assistance in his admission application and had not received any admissions policy.
5. On 7 October 2013 the complainant contacted OCVC again and to advise that he had not received an acknowledgement to his emails.
6. On 14 October 2013 OCVC acknowledged the complainant's correspondence and asked him to contact the Head of Learning for further assistance.
7. On 21 October 2013 the complainant wrote to OCVC to advise that he was not satisfied with the lack of response to his FOIA request dated 17 September 2013.
8. On 24 October 2013 the complainant advised the Commissioner that he had not received a response to his request for information dated 17 September 2013.
9. On 4 November 2013 Oxford and Cherwell Valley Group became Activate Learning.
10. On 7 November 2013 the Commissioner wrote to Activate Learning asking for a response to the request to be provided to the complainant.
11. On 22 November 2013 the complainant advised the Commissioner that he had still not received a response to his request.
12. On 23 January 2014 Activate Learning provided its response to the request for information and also the request for an internal review

Scope of the case

13. The complainant wrote to the Commissioner on 10 January 2014 stating he was not satisfied with the lack of response to his request for information in that the response had not been dealt with within the required timescales under section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
15. The Commissioner considered whether the public authority responded to the request of 17 September 2013 in line with the provisions of the FOIA.
16. On 23 January 2014 Activate Learning provided its response to the request for information and request for an internal review. It apologised for the delay in dealing with the request and stated that an administrative error had occurred. It advised that whilst the issue of the complainant's admission to the College had been considered the College had not dealt with his related though separate request under the FOIA.
17. The College apologised to the complainant and the Commissioner for the error which it attributed to the internal changes to the structure of the organisation at the time. It confirmed it took its obligations under the FOIA seriously and was reviewing its procedures to ensure it was in a position to fully meet its obligations under the FOIA.
18. From the information provided to the Commissioner in this case it is evident that Activate Learning did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Right of appeal

17. 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/tribunals/general-regulatory-chamber

18. 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.
19. 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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