

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 9 February 2015

**Public Authority:** The Governing Body of Al-Hijrah School

**Address:** The Cherrywood Centre  
Burbridge Road  
Bordesley Green  
Birmingham B9 4US

#### **Decision (including any steps ordered)**

---

1. The complainant requested a copy of the Action Plan for Al-Hijrah School ("the School").
2. The Commissioner's decision is that the School has breached section 1(1) and 10(1) of FOIA as it has not responded to the complainant's request within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a response in answer to the complainant's request of 17 November 2014 which is compliant with the provisions of the Freedom of Information Act.
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 17 November 2014, the complainant wrote to the School and requested a copy of its Action Plan.

## Scope of the case

---

6. The complainant contacted the Commissioner on 6 January 2015 to complain about the way her request for information had been handled. She informed the Commissioner that she had not received a response to her request.
7. The Commissioner considered whether the School had provided a response to the complainant's request and whether it had breached any provisions of FOIA in its handling of the request.

## Reasons for decision

---

8. Section 1(1) of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him, subject to the application of any relevant exemption. Section 10(1) of FOIA provides that this must be done "*...not later than the twentieth working day following the date of receipt.*"
9. The Commissioner initially wrote to the School on 7 January 2015 asking it to respond to the request within 10 working days, had it not already done so. He asked to be provided with a copy of any response.
10. On 12 January 2015, the Commissioner spoke to a person at the School who confirmed that a response would be provided to the complainant.
11. On 26 January 2015, the Commissioner again wrote to the School to inform it that the complainant had informed him that she had still not received a response to her request. He asked, if it believed that it had sent a response, to be provided with a copy of the response. He confirmed that if the School had not provided a response, he would proceed to issue a decision notice.
12. In the absence of a response from the School, the Commissioner finds that it has breached sections 1(1) and 10(1) of FOIA in not responding to the request within 20 working days. He requires it to issue a response to the complainant's request of 17 November 2014 which is compliant with the provisions of the Freedom of Information Act.

## 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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**