

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 November 2015

**Public Authority:** Bradford Metropolitan District Council

**Address:** City Hall  
Centenary Square  
Bradford  
BD1 1HY

#### Decision (including any steps ordered)

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1. The complainant has requested recorded information concerning the number of occasions where members of school staff have been reported to Bradford Metropolitan District Council in respect of firearm incidents.
2. The Commissioner has determined that, on the balance of probabilities, the Council does not hold the information which the complainant seeks, other than the single incident which was brought to its attention by the ATL union. The Commissioner's decision is that the Council has complied with section 1(1)(a) of the FOIA.
3. The Commissioner requires the public authority to take no further action in this matter.

#### Request and response

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4. On 28 May 2015, the complainant wrote to Bradford Metropolitan District Council and requested information in the following terms:

*"Could you please inform me as to the number of school staff that have been reported to Bradford Council for being involved in incidents regarding firearms on school premises over the past 10 years.*

*For the sake of clarity, 'involving staff' means that it is a member of staff at school that has been reported to the Council as to have been involved in an issue with a firearm on school premises.*

*Can this be broken down to show the number of incidents per year between 2006 – 2015."*

5. The Council responded to the complainant's request on 9 June 2015, by advising him that 'the Local Authority' does not hold this information.
6. On receiving the Council's response, the complainant wrote again to the Council. He expressed his surprise that the Council did not hold any information about firearm incidents involving school staff: He asserted that was aware that such incidents had taken place.
7. The Council conducted a review of its initial response and wrote to the complainant again on 18 June 2015. The Council advised the complainant that a search of its paper and electronic records had been carried out for the information he seeks: The Council informed the complainant that it had established that it does hold some information relevant to his request, being aware of one incident of a member of school staff being reported to the Council in respect of a firearm incident.
8. On 19 June, the complainant advised the Council that he is aware of two occasions where school staff had been involved in firearm incidents and that these had occurred in 2012 at [a named Primary School].
9. On 25 June the complainant contacted the Council again. In his email the complainant asserted that a number of individuals within the Council had been informed of firearms-related incidents involving school-based staff. These individuals included the Council's former CEO, its former and current Strategic Director of Children's Services, officers working in the Council's Legal Services Department and also a named Councillor.

### **Scope of the case**

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10. The complainant contacted the Commissioner 19 June 2015 to complain about the way his request for information had been handled. The complainant asserted that, "I am personally aware of at least two separate incidents committed by the same member of staff [a named individual] at the same school in Bradford. Both were reported to Bradford Council by two separate people".
11. The complainant also expressed his concern that the Council does not hold central records of what he considers is a very serious subject.
12. The Commissioner has investigated whether the Council holds the information which the complainant seeks. As part of his investigation, the Commissioner has asked the Council questions in respect of the assertions made by the complainant.

13. The suggested failure of the Council to maintain a central record firearm incidents which have involved school staff is not a matter which falls within the Commissioner's purview. Consequently this is not a matter for the Commissioner to comment on in the following decision.

## **Reasons for decision**

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### **Section 1 – Is the information held?**

14. Section 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.”
14. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the information which the complainant believes it does hold.
  15. The Commissioner makes this determination by applying the civil test of the balance of probabilities. This test is in line with the approach taken by the Information Rights Tribunal when it has considered whether information is held in cases which it has considered in the past.
  16. The Commissioner has investigated this complaint by asking the Council a number of questions about the searches it has made to locate the information sought by the complainant and questions about its possible deletion/destruction.
  17. The Council has confirmed to the Commissioner that holds only one record of a report of firearms being taken onto the premises of [a named school].
  18. The Council informed the Commissioner that it has no central record or designated recording system which records the number of staff that have been reported to the Council for being involved in incidents regarding firearms on school premises.
  19. When the Council reviewed its initial response to the complainant's request, it acted on the complainant's assertion that he was aware of such incidents having taken place. The Council was prompted to undertake a further search of its paper and electronic records in those

locations where such incidents involving school staff would likely to be reported to the Council.

20. The Council liaised with the officer responsible for safeguarding concerns regarding allegations involving school staff. It was through this contact that the Council discovered that it held a record of a single incident which concerned a member of staff being involved in an incident relating to firearms on [a named school's] premises.
21. Reports of incidents of firearms in schools involving school staff are a very rare occurrence. When the incident at [a named school] was reported to the Council, the incident was dealt with in accordance with the Council's safeguarding procedures. The Council's records show that that the matter was brought to the attention of the chair of governors of the school once it had been ascertained that no criminal activity had taken place.
22. It was also ascertained that the Strategic Director for Children's Services was contacted by the ATL union, who had also been contacted by the complainant. Other than the single incident reported to the Council by the ATL on behalf of the complainant, the Council has assured the Commissioner that it holds no records of any other such incidents being reported to the Council.
23. To substantiate its position, the Council provided the Commissioner with a copy of the letter it received from the ATL union. The Council informed the Commissioner that it holds copies of the letter its Strategic Director for Children's Services sent to the Chair of Governors which sought details of the investigation into this incident and a copy of the Chair of Governors' letter sent in response.
24. The Commissioner asked the Council to comment on the assertion made by the complainant in his email of 25 June 2015. In response, the Council emphasised that it does not have a central record for recording the type of incident of concern to the complainant. Having consulted internally and searched its records further, the only record of this type of incident held by the Council is the record of the single incident reported by the ATL on behalf of the complainant.
25. The Council advised the Commissioner that it has been made aware that another report may have been made to the same school on or around 28 May 2012. However, having undertaken extensive searches, the Council has not found any record of any further incidents being reported to the Council.
26. Since reviewing its handling of the complainant's request, the Council has made enquiries with the individuals listed in the complainant's email

of 25 June 2015, and with its Safeguarding Team and staff within its Human Resources and Health and Safety departments. These individuals have searched their records again and, other than the single incident referred to above, the Council has no found no record of any other such incident being reported to it.

27. The Council has searched its computer-based records for information which might be relevant to the terms of the complainant's request. Such searches included the electronic information held within relevant departments and the personal computers of appropriate individuals. The search terms to interrogate emails and folders in network drives included the key word 'firearms'.
28. The Commissioner asked the Council whether it had previously held and had since deleted or destroyed any information relevant to the complainant's request. The Council responded to this question by stating that it has no record of ever holding information on further incidents of the type of interest to the complainant and that no records had been deleted or destroyed.
29. The Council informed the Commissioner that comparable records of a similar age would be categorised as a personal record of an individual and would be kept on record for 6 years following the year in which the employee has ceased employment.
30. When asked whether there is a business purpose for the Council to retain records of this type, the Council advised that there are no statutory requirements for the Council to gather and retain the requested information and that it has no record of any further incidents being reported to it.
31. Having considered the Council's representations, and in the absence of any evidence to the contrary, the Commissioner has determined that, on the balance of probabilities, the Council does not hold any further records of the type of incidents which the complainant seeks. The Commissioner has therefore decided that the Council has complied with the provisions of section 1(1)(a) of the FOIA.

## Right of appeal

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32. 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)

33. 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.
34. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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**SK9 5AF**