

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

### **Decision notice**

**Date:** 21 January 2016

**Public Authority:** Trafalgar School

**Address:** London Road

Hilsea

Portsmouth

Hampshire

PO2 9RJ

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

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1. The complainant has requested information from Trafalgar School ("the School") relating to costs and expenses.
2. The Commissioner's decision is that the School has breached section 10 of the FOIA as it has failed to respond to the request for information.
3. The Commissioner requires the School to take the following steps to ensure compliance with the legislation.
  - respond to the request for information dated 28 September 2015
4. The School 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**

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5. On 28 September 2015, the complainant wrote to the School and requested information in the following terms:

*"1) The cost of sending a number of staff to China recently, broken down into staff salary costs (of those who went), cost of employing supply teachers, and expenses (e.g. flights, food, accommodation). Please provide an itemised list for the expenses.*

*2) The financial reports for the school for the last three years, showing clearly staff salary expenditure, purchases, and the total income. If you have prepared reports with these itemised (among other things) then please supply those as opposed to summarising.*

*3) The cost of providing supply teachers to cover lessons normally taught by the senior leadership team in each of the last three months. Please also supply the total cost spent on supply teachers for each of these months regardless of who was being covered. And finally, please supply typically rates paid for supply teachers (or supply total hours provided with the above figures so this can be calculated)".*

6. The School did not acknowledge or respond to the request within 20 working days.
7. The complainant subsequently chased the School for a response on 26 October 2015. The School did not respond to his email.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 12 November 2015 to complain about the way his request for information had been handled.
9. Upon receipt of the complaint, the Commissioner wrote to the School on 30 November 2015, providing it with a copy of the request and asking it to respond within 20 working days.
10. The complainant contacted the Commissioner on 8 January 2016 and explained that he had still not received a response to his request.
11. The Commissioner has had to consider whether the School handled the request in accordance with section 10.

### **Reasons for decision**

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12. Section 10 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"*.

13. From the information provided to the Commissioner in this case, it is evident that the School has not responded to the request within the statutory timeframe of 20 working days. The School has therefore breached section 10 of the FOIA.
14. As the School has still not responded, it must take the steps outlined in paragraphs 3 and 4.

## Right of appeal

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15. 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)

16. 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.
17. 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**