

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 October 2016

Public Authority: Khalsa Primary School
Address: Norwood Green Road,
Southall
Middlesex
UB2 4LA

Decision (including any steps ordered)

1. The complainant has requested information from Khalsa Primary School ("the School") relating to teacher's pay progression.
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 21 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

5. On 21 September 2015, the complainant wrote to the School and requested information in the following terms:

"Dear Headteacher

The NUT is very keen to monitor the impact of the new pay progression policies, particularly in relation to equalities considerations. We are also keen to monitor all aspects of the teacher shortage at a local level.

Regarding pay progression this request is for the academic year Sept 2014- Aug 2015: teachers who could have progressed based on their performance of the previous year(s). The staffing request is for this academic year and the previous one.

Therefore, as data managers under the Freedom of Information Act we would be grateful if you could provide us with the following information:

Pay Progression

Mainscale Progression

1. How many teachers at your school were eligible for progression on the main pay scale?

2. How many of those who were eligible did not apply?

3. Of these who did apply how many were:

i) Successful?

ii) Denied progression?

iii) Subject to another outcome?

4. Of those that were denied progression, how many are in a Black or Minority Ethnic group?

5. Of those that were denied progression, how many were female?

6. Of those that were denied progression how many were age 50 or over?

Progression to UPS1

1. How many teachers of your school were eligible for progression onto UPS'I?

2. How many of those who were eligible did not apply?

3. Of these who did apply how many were:

i) Successful?

ii) Denied progression?

iii) Subject to another outcome?

4. Of those that were denied progression, how many are in a Black or Minority Ethnic group?

5. Of those that were denied progression, how many were female?

6. Of those that were denied progression how many were age 50 or over?

Progression within the Upper Pay Scale

1. How many teachers of your school were eligible for progression within the Upper Pay Scale?

2. How many of those who were eligible did not apply?

3. Of these who did apply how many were:

i) Successful?

ii) Denied progression?

iii) subject to another outcome?

4. Of those that were denied progression, how many are in a Black or Minority Ethnic group?

5. Of those that were denied progression, how many were female?

6. Of those that were denied progression how many were age 50 or over?

(It is our intention to repeal this FOI request once last year's appraisal cycle has been completed in the Autumn term 2015).

Staffing Requests

For the Academic Year Sep 2013 – Aug 2014

1. How many staff were employed to teach whole classes for part of this academic year who were unqualified as teachers?

2. How many staff were employed to teach whole classes for the whole of this academic year who were unqualified as teachers?

3. How many teachers did you employ via agencies during this academic year that were used to fill a vacant teaching post?

This should not include those used as cover for short term illness

(as defined in the STPCD & 'Burgundy' Book)?

4. How many teaching posts in total needed replacing throughout this academic year? (Only count the some post once throughout the academic year, even if it had several replacements).

5. What was the total number of teaching posts within the school, irrespective of whether the post need replacing with a new teacher?

6. How many teachers on permanent contracts left the school's employment during this academic year?

7. Of those teachers in question 6 who left:

I. How many took retirement or early retirement?

II. How many did so due to medical ill health?

III. How many did so due to formal or informal Settlement Agreements?

8. How many teachers took maternity leave?

9. How many teachers resigned with no teaching job to go to?

For the Academic year Sept 2013 - Aug 2014

1. How many staff were employed to teach whole classes for part of this academic year who were unqualified as teachers?

2. How many staff were employed to teach whole classes for the whole of this academic year who were unqualified as teachers?

3. How many teachers did you employ via agencies during this academic year that were used to fill a vacant teaching post? This should not include those used as cover for short term illness?

4. How many teaching posts in total needed replacing throughout this academic year? only count the some post once throughout the academic year, even if it had several replacements).

5. What was the total number of teaching posts within the school, irrespective of whether the post need replacing with a new teacher?

6. How many teachers on permanent contracts left the school's employment during this academic year?

7. Of those teachers in question 6 who left:

I. How many took retirement or early retirement?

II. How many did so due to medical ill health?

III. How many did so due to formal or informal Settlement Agreements?

8. How many teachers took maternity leave?

9. How many teachers resigned with no teaching job to go to?

Thank you for your co-operation. Once we have collated and processed the data, we would be happy to share the data in summary table/chart form (i.e. we will not share individual school data. Schools face a troika of crises, an almost perfect storm of; recruitment, funding & shortage of pupil places. We are attempting to counter this more effectively with accurate local information.

Please reply using the form enclosed."

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 16 November 2015. The School did not respond.
8. The complainant sent another letter to the School on 30 November 2015 asking the School to respond, but did not receive a response.

Scope of the case

9. The complainant contacted the Commissioner on 23 May 2016 to complain about the way his request for information had been handled.
10. Upon receipt of the complaint, the Commissioner wrote to the School on 9 June 2016, providing it with a copy of the request and asking it to respond within 20 working days.
11. The complainant contacted the Commissioner on 15 July 2016 and explained that he had still not received a response to his request.
12. The Commissioner has had to consider whether the School handled the request in accordance with section 10.

Reasons for decision

13. 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*".

14. 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.
15. As the School has still not responded, it must take the steps outlined in paragraphs 3 and 4.

Right of appeal

16. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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