

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

### **Decision notice**

**Date:** 19 February 2019

**Public Authority:** Bright Tribe Trust

**Address:** Building 1000  
Kings Reach  
Yew Street  
Stockport  
SK4 2HD

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

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1. The complainant requested, from Bright Tribe Trust, copies of the following invoices from Blue Support Services to The Whitehaven Academy/Bright Tribe Trust relating to works carried out at the Whitehaven Academy.
2. The Commissioner's decision is that Bright Tribe Trust breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Bright Tribe Trust to take the following steps to ensure compliance with the legislation.
  - Respond to the complainant's request in accordance with the FOIA
4. Bright Tribe Trust 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.

#### **Background**

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5. Academies by virtue of the Academies Act 2010 are subject to the Freedom of Information Act 2000. If an academy trust is in control of more than one academy they are responsible for all their FOI obligations.
6. Bright Tribe Trust is a multi-academy trust with 16 academies in both primary and secondary education.
7. Bright Tribe Trust academies are accountable to the Department for Education and are inspected by OFSTED. Bright Tribe Trust is therefore subject to the FOIA.

## Request and response

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8. On 25 September 2018, the complainant wrote to Bright Tribe Trust and requested information in the following terms:

*"I am writing under the Freedom of Information Act to request copies of the following invoices from Blue Support Services to The Whitehaven Academy/Bright Tribe Trust relating to works carried out at the Whitehaven Academy:-*

*1. Invoice date 20/08/2014, VALUE £129,750.00 +VAT of £25,950.00 total invoice value £155,900.00*

*2. Invoice date 31/05/2014, value £78,250 + VAT £15,650 total invoice £93,900.*

*Can you also confirm these invoices have been paid in full and the date the payment was made or if not fully paid, give the reason forwarding any credit notes raised and received in connection with these invoices"*

9. To date, a substantive response has not been issued.

## Scope of the case

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10. The complainant contacted the Commissioner on 12 January 2019 to complain about the failure by Bright Tribe Trust to respond to her request.
11. The Commissioner has considered whether Bright Tribe Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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12. Section 1(1) of the 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.*

13. Section 10(1) of the 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. On 28 January 2019 the Commissioner wrote to Bright Tribe Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

15. Despite this intervention Bright Tribe Trust has failed to respond to the complainant.

16. From the evidence provided to the Commissioner in this case, it is clear that Bright Tribe Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Bright Tribe Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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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: 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)

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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**