

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 October 2019

Public Authority: Darlington Borough Council

Address: Town Hall
Darlington
DL1 5QT

Decision (including any steps ordered)

1. The complainant requested information from Darlington Borough Council ("the Council") about home education and the education of Gypsy, Roma and Traveller children.
2. The Commissioner's decision is that the Council breached section 10(1) of the FOIA, since it did not respond to the request within the statutory time limit of 20 working days.
3. Since a response has now been issued, the Commissioner does not require the Council to take any steps.

Request and response

4. On 1 June 2017, the complainant wrote to the Council requesting information. The text of the request is set out in an annexe to this notice.
5. The Council responded on 17 June 2019, providing some information and also stating that some information was not held.

Scope of the case

6. The complainant contacted the Commissioner on 25 June 2019 to complain about the way the request for information had been handled. Specifically, the complainant was concerned at the very long delay.
7. This notice considers the length of time taken by the Council to respond to the request.

Reasons for decision

Section 10 – time for compliance

8. 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."

9. 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."*
10. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. Indeed, as the Council has acknowledged, there was a two-year delay in issuing a response.
11. The Commissioner finds that the Council breached section 10(1) by failing to respond to the request within 20 working days. No steps are required in this case.

Other matters

12. The Council agreed that the delay in this case was significant and unacceptable, and apologised that, during a period of staffing changes, the request had "fallen through the net". Despite the Council having apologised to the complainant and upholding a complaint, the Commissioner is concerned at the two-year delay, and has brought this matter to the attention of her Insight and Compliance team.

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@justice.gov.uk

Website: 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

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

Annexe to Decision Notice ICO FS50853447

The request of 1 June 2017 to Darlington Borough Council

1. *"What system is used to monitor home educated children in your local authority and who holds the responsibility for this monitoring?"*
2. *Has the system for monitoring home educated children in your local authority changed over the period 2010/11 to 2015/16 and, if so, how?*

Please could you send us:

3. *Any policies the Council has regarding home education, together with any related equality impact assessments.*
4. *Any policies the Council has regarding the education of Gypsy, Roma and Traveller children.*
5. *Minutes of all council meetings within the past 5 years in which home education and/or child safeguarding policies have been discussed.*

Please provide the following data, broken down for each academic year from 2010/11 to 2015/16. If it would assist, we have attached an Excel spreadsheet for you to populate with this information:

6. *Total number of children of:*
 - a) *primary school age in the local authority*
 - b) *secondary school age (up to year 11) in the local authority*
7. *Total number of Gypsy, Roma and Traveller children of: primary school age in the local authority secondary school age (up to year 11) in the local authority*
8. *Total number of children in each of school years 1-11 (a) recorded as being home educated; (b) recorded as being educated in a school*
9. *Total number of Gypsy, Roma and Traveller children in each of school years 1-11 (a) recorded as being home educated; (b) recorded as being educated in a school*
10. *Total number of home educated children of (a) primary school age (b) secondary school age who were visited by an education officer (please count each child only once per year)*
11. *Number of home educated Gypsy, Roma and Traveller children of (a) primary school age (b) secondary school age who were visited by an education officer (please count each child only once per year)*

12. *Total number of school attendance orders issued in respect of children of*
 - (a) *primary school age*
 - (b) *secondary school age*
13. *Total number of school attendance orders issued in respect of:*
 - (a) *non Gypsy, Roma and Traveller children of*
 - (i) *primary school age*
 - (ii) *secondary school age*
 - (b) *Gypsy, Roma and Traveller children of*
 - (i) *primary school age*
 - (ii) *secondary school age*
14. *Number of prosecutions brought for breach of a school attendance order in respect of:*
 - (a) *non Gypsy, Roma and Traveller children of*
 - (i) *primary school age*
 - (ii) *secondary school age*
 - (b) *Gypsy, Roma and Traveller children of*
 - (i) *primary school age*
 - (ii) *secondary school age*
15. *Number of Gypsy, Roma and Traveller children of*
 - (a) *primary school age*
 - (b) *secondary school age who returned to full-time education in a school, college or alternative provider after being home educated for a term or more*
 - (a) *Following a school attendance order*
 - (b) *Voluntarily (i.e. without any enforcement action being taken).*
16. *Number of Gypsy Roma and Traveller children in the area lawfully excluded (both fixed-period and permanently) from school who, following their exclusion*
 - (a) *Were recorded as being home educated*
 - (b) *Were registered at another school*

17. *Total number of home educated children who achieved at least five A*-C grades at GCSE.*
18. *Number of home educated Gypsy, Roma and Traveller children who achieved at least five A*-C grades at GCSE*
19. *Total number of home educated children who achieved at least one A*-C grade at A Level*
20. *Number of home educated Gypsy, Roma and Traveller children who achieved at least one A*-C grade at A Level."*