

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 December 2022

Public Authority: Northumberland County Council
Address: County Hall
Morpeth
Northumberland
NE61 2EF

Decision (including any steps ordered)

1. The complainant requested information from Northumberland County Council ("the Council") about the implementation of a statutory proposal to reorganise the North Tyne and Redesdale area to the primary/secondary education model. The Council provided some information within scope of the request. The Complainant believes the Council holds further information within the scope of the request. The Council's position is that no further information is held.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any further information within the scope of the request, beyond that which it has already disclosed.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 26 July 2020, the complainant wrote to the Council and requested information in the following terms:

"Please provide an electronic copy of all Council documentation/communications relating to the authorisation of the partial implementation of the invalid statutory proposals of

10 May 2018, to re-organise the North Tyne and Redesdale area to the primary/secondary model from 1 September 2019, without any further consultation taking place subsequent to the Adjudicator's decision which rendered implementation of the invalid linked proposals from 1 September 2019 impossible."

5. The Council provided some information within the scope of the request. The complainant requested an internal review on the basis that they believe the Council holds further information within the scope of the request. At internal review the Council confirmed that its position is that it does not hold any further information within the scope of the request.

Reasons for decision

Section 1(1) – duty to provide information held

6. During the course of his investigation the Commissioner asked the Council to provide details of the searches it had carried out in order to determine that no further information was held and also to address the reasons given by the complainant, in their request for an internal review, for their belief that the Council holds further information within the scope of the request.
7. The Council confirmed that all of the information within scope of the request had already been disclosed and added the further documentation the complainant believed to be held was never produced. The Council added that its view is that the complainant has misunderstood the decision making process around the change in education model in the area.
8. The Council also provided the Commissioner with a copy of a further explanation it had sent the complainant on 29 December 2021 regarding why no further information is held. In this correspondence it set out its position regarding the decision making process, stating, "as the implementation of the extension of the age ranges of the first schools was already approved, in train and able to be implemented as Haydon Bridge High School has provision for students in Years 7 and 9, no further decision in their regard was required".
9. The Commissioner notes that the complainant believes the Council has not followed the correct decision making process, it is not within his remit to consider whether or not this is the case. The Commissioner has considered only whether any further information within scope of the request is held.

10. Given the Council's explanation that no further documentation was produced, the Commissioner is satisfied that on the balance of probabilities, the Council does not hold any further information within the scope of the request, beyond that which it has already disclosed.

Right of appeal

11. 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

12. 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.
13. 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

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF