

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 May 2022

Public Authority: Blackwater Community Primary School

Address: North Hill
Blackwater
Truro
TR4 8ES

Decision (including any steps ordered)

1. The complainant requested information from Blackwater Community Primary School ("the School") relating to the recruitment of British Muslim employees. By the date of this notice the School had not issued a substantive response to this request.
2. The Commissioner's decision is that the School has 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 the School to take the following step to ensure compliance with the legislation.
 - The School must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The School must take this step 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 12 February 2022, the complainant wrote to the School and requested information in the following terms:
 - “1. How many British Muslim employees have you recruited? Please provide figures for every year since 2010.
 2. What is the average length of service?
 3. How many British Muslims have you employed in communications/media roles since 2010?”
6. Whilst the School has not acknowledged this request, the complainant has provided evidence which shows that the request was sent to an email address published by the School. Therefore, the Commissioner has assumed that the request was received by the School.
7. By the date of this notice, the School has not provided the complainant with a substantive response to their request.

Scope of the case

8. The complainant contacted the Commissioner on 29 April 2022 to complain about the School’s failure to respond to their request.
9. The Commissioner has considered whether the School has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

10. 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.”

11. 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”.
12. On 10 May 2022 the Commissioner wrote to the School, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
13. Despite this intervention, the School has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the School did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the School 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

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Ben Tomes
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF