

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 September 2023

Public Authority: North Yorkshire County Council
Address: County Hall
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AL

Decision (including any steps ordered)

1. The complainant has requested information about the federation between a school and a college. North Yorkshire Council ("the Council") disclosed information in response.
2. The Commissioner's decision is that the Council has disclosed all held information.
3. The Commissioner does not require further steps.

Request and response

4. On 11 April 2023, the complainant wrote to the Council and requested information in the following terms:

"[1] Q. Any documentation related to the formation of the federation between Eskdale school and Caedmon College Whitby From proposal to July 2019

[2] Q. Reasons for NYCC employees/ councillors to be involved with Whitby Secondary Partnership from July 2019 until present"

[Numbering added by Commissioner]

5. The Council responded on 20 April 2023. It disclosed recorded information.
6. On 20 April 2023, the complainant wrote to the Council and sought an internal review on the basis that further recorded information was held, and specifically documents relating to the proposal and steps leading to the federation.
7. Following an internal review, the Council wrote to the complainant on 14 June 2023. It stated that no further recorded information was held.

Reasons for decision

8. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
9. The request in this relates to the federation between two schools. The Commissioner understands that this process involves changing the 'Instrument of Government' for the schools, and that this process is undertaken under the terms of the Education Act 2002.
10. The Commissioner further understands that the Council has disclosed "The instrument of government from 2019 and the revised instrument from Sept 2022" (quoted from the Council's response).
11. The complainant has informed the Commissioner that the basis of their complaint is that they consider further recorded information is likely to be held by the Council, and specifically "proposal docs, reports, consultation docs and responses", which the complainant considers must have been created by the Council.
12. The Council has informed the Commissioner that between 2015 and 2020, many groups of schools made enquiries to it about the process of federation, and the Council provided general support to schools through a dedicated governance team – which no longer exists following restructure in 2020. The Council understands that this general support

related to the process of federation, rather than being bespoke guidance.

13. The Council has explained that whilst it is reasonably likely that the Council provided support to the schools in this case (Eskdale and Caedmon), this level of support is now unknown. The Council has further explained that it has an archive folder area relating to the support provided to different schools, there is no specific folder relating to Eskdale and Caedmon Schools, and the Council has not identified any information elsewhere relating to them.
14. The Commissioner has considered the Council's position, and notes that searches have been undertaken on the relevant part of the Council's network. The searches have retrieved no information besides that already disclosed. There is no evidence available to the Commissioner that indicates that the Council's searches have been deficient.
15. Having considered all the circumstances, the Commissioner therefore accepts the Council's position that it does not hold further information. As such, the Commissioner has decided that the Council has complied with section 1(1) of FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

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