

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 July 2024

Public Authority: Billingshurst Primary School
Address: Station Road
Billingshurst
RH14 9RE

Decision (including any steps ordered)

1. The complainant requested information from Billingshurst Primary School (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has failed to either provide the complainant with the information requested or provide a proper refusal notice.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - Either disclose the requested information or, to the extent that information is to be withheld, issue a refusal notice in accordance with the requirements of section 17 of the FOIA.¹
4. The public authority must take this step within 30 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 FOIA and may be dealt with as a contempt of court.

[¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)]

Request and response

5. On 16 January 2023, the complainant made the following request for information to the public authority:

“We would like a copy of the Safeguarding Audit from November 2022 please”

6. In a letter received by the complainant of 21 February 2023, the public authority wrote to the complainant to explain that it held information relevant to the complainant’s request, but that the information was confidential, and that they had already provided sight of a specific section to the complainant.

7. On 30 November 2023, the complainant requested an internal review, The public authority responded on 28 March 2024, the public authority advised:

“The county confirmed with us that it in our hands whether or not we share the safeguarding audit, whilst I have no worries about sharing, I do think it would be more appropriate for me to leave that decision to the incoming headteacher”

Reasons for decision

8. Section 1(1) of 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 17(1) of FOIA states that where a public authority considers the information exempt, it must specify the exemption it is relying on and state the reasons why the information is exempt, if it is not otherwise apparent.

10. It is the Commissioner’s view that the public authority has confirmed the information exists but has failed to provide that information to the complainant, or provide the requester with a refusal notice.

11. The public authority is now required to provide the requester with the information requested under section 1(1)(b) or issue a refusal notice that complies with section 17.

Right of appeal

12. 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

13. 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.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF