

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 July 2016

**Public Authority:** Manor CE Academy  
**Address:** Millfield Lane  
Nether Poppleton  
York  
YO26 6PA

#### **Decision (including any steps ordered)**

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1. The complainant has requested information from the Manor CE Academy (the Academy) relating to the new School Food Standards.
2. The Commissioner's decision is that the Academy did not deal with the request for information in accordance with section 10 of the FOIA in the following way:
  - It failed to provide a response to the request within that statutory time frame of 20 working days.
3. The Commissioner requires the Academy to take the following steps to ensure compliance with the legislation:
  - Issue a response under the FOIA.
4. The Academy must take these steps 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**

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5. On 30 March 2016, the complainant wrote to the Academy and requested information in the following terms:

- *Please can you advise whether Manor CE Academy has adopted the new School Food Standards that came into force in January 2015.*
6. The complainant informed the Commissioner that the Academy has not responded to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 18 May 2016 to complain about the way his request for information had been handled.
8. The complainant specifically stated that the Academy had not responded to his request.
9. On 7 June 2016 the Commissioner wrote to the Academy and provided a copy of the request. He reminded the Academy of its duties under the FOIA and asked it to respond to the request, if it had not done so already. He did not receive a response from the Academy.
10. On 11 July the complainant contacted the Commissioner again, and stated that he had still not received a response to his request.
11. The Commissioner has had to consider whether the Academy has handled the request in accordance with section 10 of the FOIA.

### **Reasons for decision**

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12. Section 10 of FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
13. From the information provided the Commissioner in this case, it is evident that the Academy did not respond to the request within the statutory time frame of 20 working days. The Academy has therefore breached section 10 of the FOIA.
14. As no response has been provided to the complainant, the Commissioner requires the Academy to issue a response under the FOIA.

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**