

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

### **Decision notice**

**Date:** 27 July 2023

**Public Authority:** Ark Pioneer Academy  
**Address:** 1 Nicholas Road  
London  
W11 4AN

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

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1. The complainant has requested information from Ark Pioneer Academy (the academy) relating to a programme provided by Beyond Equality. The academy disclosed the recorded information it holds and confirmed for some elements that it does not hold the requested information.
2. The Commissioner's decision is that on the balance of probabilities the academy has disclosed all the recorded information it holds and has therefore met its obligations under FOIA. He has however recorded a breach of section 1 and 10 of FOIA.
3. The Commissioner does not require any remedial steps to be taken.

#### **Request and response**

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4. On, 9 November 2022, the complainant requested the academy to provide the following information:
  1. How did the Academy become aware of Beyond Equality?
  - 2.1 What specific issues with boys does the Academy consider need to be addressed?
  - 2.2 How does Beyond Equality's approach and content address these issues?

2.3 What does the Academy believe makes an intersectional feminist approach useful or beneficial for boys?

2.4 What does the Academy regard as "male privilege" and how does this relate specifically to boys taught at the Academy?

2.5 What would the Academy consider, and how would it measure, a successful outcome of this programme?

3.1 Did members of Academy staff sit in on Beyond Equality sessions prior to the Academy using them and/or did members of staff sit in on Beyond Equality sessions initially?

3.2 Do members of Academy staff sit in on Beyond Equality sessions always, sometimes or never?

4.1 Has the Academy asked Beyond Equality to modify any of its content/materials and/or lesson delivery? If yes, please specify.

4.2 Has Beyond Equality been amenable in its response?

5.1 Does Beyond Equality work exclusively with boys at the Academy?

5.2 Does the Academy recognise gender self-identification?

6.1 Does any part of the Academy's curriculum – including Beyond Equality - allow boys and girls to explore and/or constructively challenge their behaviour towards, and gendered assumptions about, each other, together in the same class?

6.2 If yes, please supply details.

6.3 If no, please explain any reasons or indicate if this has not been considered by the Academy.

7.1 Does Beyond Equality's programme address boys' potentially abusive behaviours toward each other?

7.2 Do girls receive lessons - in any part of the curriculum - concerning their potential for abusive behaviours towards boys and each other?

7.3 Does Beyond Equality address boys' potential to be victims of abuse from male and female perpetrators – in school and beyond - and are boys encouraged and supported in recognising and reporting such abuse as part of the programme?

7.4 If no, is the above addressed in any other part of the curriculum and how?

- 8.1 Boys can experience additional gendered barriers in recognising and reporting any abuse they may be experiencing. Does the Academy pro-actively encourage and support boys in coming forward to report any abuse they might be experiencing – from any source - in any area of their lives?
- 8.2 Does this differ from how girls are encouraged and supported? If yes, please provide details.
- 9.1 May a pupil opt out of sessions run by, or using materials provided by, Beyond Equality?
- 9.2 May a parent withdraw his/her child from sessions run by, or using materials provided by, Beyond Equality?
10. What was/is the cost of Beyond Equality to the Academy for the academic year 2021/22 and the anticipated cost for the current academic year 2022/23?
11. What other speakers/organisations/materials related to gender/masculinity are presented to boys to ensure diversity and inclusivity in the perspectives presented?
12. What is The Academy's policy on Male Genital Mutilation?
13. Please provide copies of Beyond Equality's course materials, lesson plans and materials provided to parents.
14. Please provide copies of any materials produced by the Academy relevant or supplementary to the above (13) including information to parents."
5. The academy responded on 30 November 2022. It said that it was able to respond to 10 of the questions and issued a response addressing them. The academy confirmed that it was unable to answer questions 1.2 to 4.2, 7.1, 7.3, 7.4, 11 and 14 because these were asking for the academy's thoughts and opinions rather than recorded information.
6. The complainant requested an internal review on 9 December 2022.
7. The academy carried out an internal review and notified the complainant of its findings on 19 December 2022. It said with the exception of question 2.5, it upheld its previous position. For question 2.5 it attached additional information.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 25 January 2023 to complain about the way their request for information had been handled.
9. The Commissioner disputed the academy's initial handling of the request and informed it that he considered only questions 2.3 and 2.4 were asking for its opinion and thoughts and were therefore outside the scope of FOIA. This led to the academy reviewing the request again and issuing two further responses to the complainant on 2 May and 17 July 2023. It outlined which questions were closed questions and how it provided a yes or no response to those based on the recorded information it holds. For all others, it confirmed that it has provided all the recorded information it holds which falls in scope. Where no recorded information is held, it confirmed this and explained where possible why.
10. The complainant disputes that the academy has disclosed all the recorded information it holds. They believe the academy should provide all recorded information held on the matter and what it holds behind the responses it has provided.
11. The Commissioner considers the scope of his investigation to establish whether on the balance of probabilities the academy has now met its obligations under FOIA and disclosed all the recorded information it holds which falls within the scope of each question.

## **Reasons for decision**

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12. The Commissioner considers questions 3.1, 3.2, 4.2, 5.1, 5.2, 7.1, 7.2, 7.3, 8.1, 9.1 and 9.2 are closed questions, which only require a yes or no answer, if the academy holds recorded information from which that yes or no answer can be extracted. These questions are limited in this way due to the manner in which they have been phrased and there is no requirement for the academy to disclose any further/additional information.
13. The academy has provided a yes or no answer to all these questions, as the specific wording and manner in which they were written dictates. There is no requirement to go above and beyond that in terms of the requirements of FOIA, so the Commissioner is satisfied that, for these questions, the academy has disclosed the recorded information it holds and met its obligations under FOIA.

14. The academy confirmed that it has also answered all other questions in accordance with FOIA (even those which the Commissioner initially agreed were requests for opinion or thoughts, which are technically outside the scope of FOIA). Where it has been asked to supply copies of recorded information it has provided the information it holds.. For example, it lists questions 2.3, 2.4, 4.1, 6.1, 6.2, 6.3, 7.4, 8.2, 10, 11, 12 and 14. It confirmed again that it does not hold any further recorded information falling within the scope of the request.
15. The complainant has disputed the extent of information supplied and has requested that the academy now supplies everything it holds on the subject so that they can take from that what information they need. They believe there is considerable additional information held in the form of minutes, emails, letters etc which document the internal discussion it has had on Beyond Equality and its interactions with them. They are concerned that they have only received the academy's account or interpretation of its interactions with Beyond Equality.
16. The Commissioner is limited to the wording of the request and what recorded information (if held) would fall within a reasonable and objective reading of each element. The complainant has not made a request for all minutes, emails and letters which document all internal discussions on Beyond Equality or its interactions with them. He cannot therefore compel the academy to provide this information.
17. The Commissioner is satisfied that the academy has interpreted each element of the request correctly and established what recorded information it holds falling within the specific wording used. Where it holds information, it has supplied this to the complainant. Where it does not, it has confirmed that this is the case and, if known, why and where it can be alternatively obtained.
18. The academy has revisited the request twice as a result of the Commissioner's enquiries and the complainant's response to the first of the two further responses. It has considered in depth the potential scope of each question and what recorded information, if held, falls within each. It has disclosed all that it holds, which falls in scope. Where it has stated that it does not hold the information, it has double checked that this is indeed the case. The Commissioner is therefore satisfied that the request has received detailed consideration and that appropriate searches and enquiries have been carried out to determine that all the recorded information it holds, which falls within the scope of the specific wording of this request, has been identified and provided.
19. On the balance of probabilities the Commissioner is satisfied that no further recorded information is held, which would fall within the scope of the request.

20. It is noted that additional information was provided during the Commissioner's investigation (those questions which the Commissioner did not agree were asking for opinions and the thoughts of the academy). The academy's response to them was therefore late. For this, the Commissioner has recorded a breach of section 1 and 10 of FOIA.

## Right of appeal

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21. 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](mailto:grc@justice.gov.uk)

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

22. 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.
23. 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

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**