

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

### **Decision notice**

**Date:** 16 May 2022

**Public Authority:** Governing Body of Monkwearmouth Academy  
**Address:** Torver Crescent  
Sunderland  
SR6 8LG

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

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1. The complainant requested information from Monkwearmouth Academy ("the Academy") about staff training on Parental Alienation at the Academy.
2. The Commissioner's decision is that the Academy has breached section 10 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 Academy to take the following step to ensure compliance with the legislation.
  - The Academy must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Academy 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**

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5. On 7 March 2022, the complainant wrote to the Academy and requested information in the following terms:

"Dear Sirs, I request freedom of information regarding staff training at Monkwearmouth Academy in identifying Parental Alienation & the impact this abuse has on children."

6. To date, a substantive response to the request has not been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 4 April 2022 to complain about the Academy's failure to respond to their request.
8. The Commissioner has considered whether the Academy has complied with its obligations in relation to the time for compliance at section 10 of the FOIA.
9. On 12 April 2022 the Commissioner wrote to the Academy, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the Academy has failed to respond to the complainant.

## **Reasons for decision**

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11. 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."

12. 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".

13. From the evidence provided to the Commissioner in this case, it is clear that the Academy did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Academy has breached section 10 by failing to respond to the request within 20 working days.

## Right of appeal

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14. 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)

15. 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.
16. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**