

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 March 2015

Public Authority: Golborne Community Primary School

Address: Talbot Street
Golborne
Warrington
WA3 3NN

Decision (including any steps ordered)

1. The complainant has requested from Golborne Community Primary School (the "School") the number of pupils that have been withdrawn from the School during a specific period, details of staff absences and departures, and the number of complaints logged with the School.
2. The School refused to comply with the request for information on the basis that the request is vexatious in accordance with section 14 of the FOIA.
3. The Commissioner's decision is that the request is vexatious and that the School has correctly applied section 14 of the FOIA to refuse the request. The Commissioner does not require the School to take any steps.

Background

4. In May 2014 the complainant submitted four complaints to the School regarding the care of her son whilst in the School.
5. Following investigations by the School, the Police and the local authority's legal department, the complainant subsequently asked the School for information regarding staff leaving, staff sickness and complaints with the School.

Request and response

6. On 15 July 2014 the complainant wrote to the School and requested information in the following terms:

"In line with current legislation I would like to register a formal Freedom of Information (FOI) request. Please note, for the record, this request has been submitted on Tuesday 15th July 2014 at approximately 1510hrs.

I would like information on a number of issues:

1. How many pupils have been withdrawn from Golborne Community Primary School for a period longer than 1 week or permanently since 1st April 2013 to end July 2014 and how many were withdrawn either permanently or for a period of more than 1 week in the year from 1st April 2012 to 31st March 2013;

2. How many staff (both teaching and ancillary) have (and will) leave Golborne Community Primary School from 1st April 2013 until end August 2014 and how many left in the year 1st April 2012 to 31st March 2013;

3. How many staff (both teaching and ancillary) have been off sick for a period of more than 28 calendar days (not school days) Golborne Community Primary School from 1st April 2013 to end July 2014 and how many were off sick for a period of more than 28 calendar days in the period 1st April 2012 to 31st March 2013;

4. How many formal and informal complaints were logged with the school office / direct to teachers from the period 1st April 2013 to date and how many formal and informal complaints were logged with the school office / direct to teachers in the period 1st April 2012 to 31st March 2013.

Please note, a response is required within 20 days in line with UK Government Law."

7. On 4 August 2014 the complainant contacted the Information Commissioner's Office (the "ICO") to complain about the School's failure to respond to her request for information.
8. The ICO informed the complainant on 12 August 2014 that the timescale for her request had not yet elapsed. The ICO explained to the complainant that the latest response date would be 17 September 2014, taking into account the school holidays.
9. On 1 September 2014 the School acknowledged the request. The School refused to respond as it deemed the request to be vexatious under section 14(1) of the FOIA.

Scope of the case

10. The complainant contacted the Commissioner on 5 October 2014 to complain about the way her request for information had been handled.
11. The scope of this case has been to consider whether the request is vexatious and if the School is correct to rely on section 14 of the FOIA to refuse to comply with the request.

Reasons for decision

Section 14 – vexatious request

12. Section 14(1) of the FOIA states that a public authority may refuse a request if it is vexatious. The FOIA does not define the term, but it was discussed before the Upper Tribunal in the case of Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013).
13. In this case the Upper Tribunal defined a vexatious request as one that is "*manifestly unjustified, inappropriate or improper use of a formal procedure.*" The Tribunal made it clear that the decision of whether a request is vexatious must be based on the circumstances surrounding the request.
14. In making his decision the Commissioner has obtained submissions from both the complainant and the School to understand the circumstances surrounding the request in order to reach a decision on whether the request is vexatious. The Commissioner will consider their arguments where appropriate.

Burden on the authority

15. The School has explained that it has taken time and effort to investigate this request which involved liaising with governors, writing reports and collating evidence. The School has argued that to comply with the request would detract from the core purpose of the School. This would result in unnecessary stress and waste time for the staff, the Head teacher and the governors.

Cause disruption or annoyance

16. The School argued that for the last 20 months, the complainant has caused unnecessary disruption through vexatious requests, complaints and harassment of staff. It further argued that the complainant undermined the School's policies/procedures, dispersing untrue statements about the School, and using abusive language and derogatory terms to the Head teacher. The School said that the complainant continuously caused annoyance.
17. The School stated that the Head teacher had involved the Police due to personal harassment, slanderous remarks and constant contact which in the School's view, was intended to cause disruption. It argued that the staff had been "*threatened, upset and stressed*" due to the complainant's aggressive manner and that warning letters had been sent to the complainant by the local authority's legal department.
18. The School reported that the complainant caused further disruption and publicised her dissatisfaction with the School by posting comments on social media sites. In addition to this the School said that the complainant had also contacted television news programmes and the local newspaper, sent numerous abusive and threatening emails and set up an online petition regarding the School.
19. Given the pattern of behaviour described above, the School is of the view that the request for information is obsessive and that it is the determination of the complainant to "*destabilise the School*" and to cause as much disruption as possible. The School stated that the complainant took her complaint to the local MP but the meetings had to be terminated due to the complainant's manner and the lack of evidence to support her claims.

Unreasonable persistence

20. The School has argued that the information requested has no purpose to the complainant or to her children as her children no longer attend the School. The School stated that the complainant had submitted a previous request regarding a different matter. This was then followed by two other requests asking for the same information.
21. The School is of the view that the information requested will not be beneficial to the complainant. It stated that an explanation as to why the staff had left the School was contained in its newsletter which was sent to the parents.

The complainant's position

22. The complainant argued that her request for information is "*extremely relevant*". She is of the view that the School's decision not to comply with her request indicates that there is cause for concern within the School.
23. The complainant expressed her view on the reasons why staff at the School had left or were absent for long periods. She argued that this was due to "*bullying of the headmaster against staff*" which in the complainant's opinion forced many of the staff to leave the School or to be absent due to sickness, thereby impacting on the education of the School's pupils and resulting in non-compliance of the Headmaster with school policies.

The Commissioner's position

24. The Commissioner has noted that the complainant is concerned about the School's refusal to comply with her request for information and that it considered the request as vexatious.
25. Having reviewed the correspondence between the complainant and the School, the Commissioner recognises that there had been numerous complaints made by the complainant to the School which had been responded to.
26. The Commissioner has noted that informal complaints were made to the School during 1 April 2012 to 31 March 2013. The School had stated that these had been thoroughly investigated and the complainant had received notification of the results of these. However, the complainant contested this and argued that there had been discrepancies in the School's responses.
27. Following further correspondence between the complainant and the School concerning various issues, the complainant submitted this recent information request to the School.

Conclusion

28. The Commissioner is satisfied that the wider context and history to this request shows a long standing issue which has been thoroughly investigated on more than one occasion. It would therefore appear that the complainant is trying to reopen issues that have already been addressed.
29. He is also satisfied that this request is a continuation of an obsessive campaign and that provision of the requested information will not resolve the issue of the complainant's dissatisfaction with the School.

30. The Commissioner accepts that complying with the request is likely to have a detrimental effect upon the School. This is likely to lead to further communication from the complainant which may continue to be abusive and threatening. The Commissioner considers that to comply with the request will also affect the operational running of the School which will cause irritation and distress to the staff involved.
31. Therefore, the Commissioner has decided that this request can be considered as vexatious and that the School is correct to apply section 14 of the FOIA.

Right of appeal

32. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

33. 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.
34. 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