



**Chief Legal Officer:
Kathryn Pettitt, Solicitor**

**LEGAL SERVICES
Resources and Performance
Post Point CHO234
Hertfordshire County Council
County Hall
Hertford**

Lawrence McDonald

request-165245-
7b1db565@whatdotheyknow.com

By email only

Tel: 01992 5562xx
Minicom: 01992 556611
Fax: 01992 555508
Email: judith.gower@hertfordshire.gov.uk
Contact: Judith Gower
My ref: JG/NP121
Your ref:
Date: 22 November 2013

**Herts SG13 8DE
DX 145781 HERTFORD 4**

Dear Lawrence McDonald

RE: REVIEW OF FOI/CSF/06/13/5774.

I have been informed that you have requested a review of the above request made by you on 17 June 2013.

I am a solicitor employed by Hertfordshire County Council and I have reviewed your request under our internal review procedures. In carrying out such a review I have had sight of your original request and our response.

History

On 17 June 2013 you requested the following information:

Please provide me with any documents you hold relating to applications for infants and/or junior schools in Harpenden to become academies.

On 3 July we replied as follows:

Your request for information has been considered under the Freedom of Information Act 2000. I can confirm that Hertfordshire County Council does not hold the information you have requested:

The process for becoming an academy is schools apply direct to the Department for Education (DfE). The DfE approve or not and then the local authority is informed that the application has been approved.

The information you are seeking would therefore be held by the schools themselves and the Department for Education.

Documentation showing schools which have converted and those who have applied is published on the DfE website at:

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/b00208569/open-academies>

Contact details can be found at the link below:

<https://www.education.gov.uk/help/contactus/dfe>

Contact details for schools in Harpenden can be found in the *schools address book* on Hertsdirect:

<http://www.hertsdirect.org/services/edlearn/schadd/>

I can confirm that Hertfordshire County Council is working with Crabtree Infant and Junior Schools following approval of their application by DfE. The schools have published information relating to their conversion:

<http://www.crabtreejm.herts.sch.uk/academy.html>

On 3 July you sent an email to the County Council via the Contact Centre:

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Hertfordshire County Council's handling of my FOI request 'Application for Academy Status'.

You state that you hold no information and have directed me to the DfE and schools. However you go on to confirm that Hertfordshire County Council is working with Crabtree Infant and Junior Schools following approval of their application by DfE.

It is inconceivable that as you are working with those schools you hold no information. Presumably you hold emails, letters, other correspondence, notes, guidance, presentations etc. Please undertake a proper search and disclose the information.

Please check whether you hold information in respect of any other infant/junior school in Harpenden which is considering applying for academy status.

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/application_for_academy_status

Regrettably this was not forwarded to the Information Governance team and was only picked up on 13 November 2013.

The Law

Section 1 of the Freedom of Information Act 2000 (the Act) gives any person making a request for information to a public authority a right to be informed in writing by the public authority whether it holds information requested, and if that is the case, to have that information communicated to them.

Section 10 of the Act states that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of the request.

The public authority must have a review process and should respond within 20 working days if possible.

Review

I have looked at all the correspondence in this matter and spoken to those involved. Firstly looking at your original request I believe that there is some information that might be held by the County Council. I have therefore requested that Information Governance look at your request again and issue an amended response.

Secondly I apologise that your request for a review was not dealt with in a timely manner. I have spoken to those concerned and am assured that all advisors have been reminded about What Do They Know and they have been asked to check thoroughly upon receipt to ensure items are spam/sales before not acting upon them.

Decision

I find that Hertfordshire County Council did not comply with Section (1) of the Freedom of Information Act 2000 and have referred it back to the Information Governance team to look at the matter again.

Conclusion

This now brings the County Council's internal review into the handling of your request for information to an end. However, if you remain dissatisfied you are entitled to ask the Information Commissioner to investigate your complaint. You can write to him at **FOI/EIR Complaints Resolution**, Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Judith Gower
Solicitor
Environment, Commercial & Property Law Group

