



Hampshire  
County Council

Ms T Berlow  
BY EMAIL:  
request-15289-  
d754390d@whatdotheyknow.com

Legal Practice  
Chief Executive's Department  
The Castle, Winchester  
Hampshire SO23 8UJ

Telephone 01962 841841  
Fax 01962 845031  
Textphone 0808 100 2484  
DX Winchester 2510  
www.hants.gov.uk

Enquiries to Susan Kilbride

Direct Line 01962 846437

Date 3 December 2009

My reference PR169B/43/SK/SVF

Your reference

E-mail sue.kilbride@hants.gov.uk

Dear Ms Berlow

**RE: FOI REVIEW OF YOUR FREEDOM OF INFORMATION REQUEST  
CONCERNING SCHOOL ATTENDANCE ORDERS**

Thank you for your FOI review request received on 21 September 2009. Firstly, may I apologise for the delay taken to complete this request.

I have been asked to undertake a review of the handling of your request which was received on 28 July 2009 and asked:

*How many school attendance orders has HCC pursued in the past year? How many of these were specifically from within the de-registered elective home education community?*

I am a Senior Solicitor within the Legal Services Department and can confirm that I have had no prior involvement with dealing with your request for information.

I understand that the County Council received two requests from yourself on the same day concerning the same topic. We logged the combined requests under FOI number 1788 and responded to you on 6 August 2009 to [request-15289-d754390d@whatdotheyknow.com](mailto:request-15289-d754390d@whatdotheyknow.com) and thanked you for your email, set out your question and then explained that from our preliminary assessment it is clear that we would not be able to answer your request without further clarification. We then set out the further information we required in order to identify and locate the information you had asked for. We said "please could you clarify if you are requesting the number of school attendance orders issued, or the number of school attendance orders that have resulted in a prosecution". We then explained that once we had received clarification on this point that we would continue to process your request.

On the same day, 6 August 2009, you responded as follows "I see that a similar but more detailed FOI has already been put in by an L Thorn a few days before my request. I will make sure that I follow that FOI request as it covers my question". As a result of that

Head of Legal Services  
**Kevin Gardner LLB Solicitor**  
Chief Executive  
**Andrew Smith OBE MA DPA MBA**

communication we treated that part of your request as withdrawn and that part was logged separately under FOI number 1809.

My understanding is that the rest of your request received on 28 July 2009 was dealt with under reference 1788 Home Education and the Badman Review and was indeed dealt with in the usual way.

We then received a request from you to review the handling of your request. To my mind the request was handled correctly in that your response signified that you did not wish to provide clarification as sought by the County Council. We therefore treated your request as withdrawn.

If there was a fault perhaps we should have confirmed to you in writing that that part of your request had been treated as withdrawn; in any event we had not received the clarification that we had sought. Clearly, until we had received clarification we were under no duty to continue to process your request.

In conclusion, I am satisfied that it was appropriate to treat that part of your request "how many school attendance orders had HCC pursued in the past year? How many of these were specifically de-registered in elective home education community?" as effectively withdrawn by way of your email on 6 August 2009. The remainder of your request which we logged under reference 1788 was processed accordingly and the disclosure sent on 3 September 2009.

If you are not satisfied with this review you can seek a decision from the Information Commissioner and his address is The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Susan Kilbride  
Senior Solicitor  
For Head of Legal Services