



Scottish Information
Commissioner
www.foi.scot

Decision Notice 163/2026

Principal Teacher points – failure to respond

Applicant: The Applicant
Authority: Highland Council
Case Ref: 202600880

Summary

The Applicant asked the Authority for information about Principal Teacher points allocated and used at each of its Primary Schools. This decision finds that the Authority failed to respond to the Applicant's requirement for review within the timescale set down by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 16 December 2025.
2. The Authority responded to the information request on 16 January 2026.
3. On 19 January 2026, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to his requirement for review.
5. The Applicant wrote to the Commissioner on 10 May 2026, stating that he was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

7. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 20 May 2026.
8. The Commissioner received submissions from the Authority on 11 and 22 June 2026. These submissions are considered below.
9. The Authority explained that it had experienced significant workload and staffing pressures within its FOI review function. Given that the FOI team was a small team, already managing an existing backlog, these factors had a “notable impact” on its performance.
10. On 22 June 2026, the Authority issued its review outcome to the Applicant.
11. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. This is subject to qualifications which are not relevant in this case.
12. It is a matter of fact that the Authority did not provide a response to the Applicant’s requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
13. As the Authority issued the Applicant with a copy of its review outcome on 22 June 2026, the Commissioner does not require the Authority to take any further action in relation to the Applicant’s application.
14. However, the Commissioner would remind the Authority that a review outcome issued in terms of section 21(1) of FOISA must contain particulars of the requester’s rights of application to the Commissioner and of appeal to the Court of Session, as required by section 21(10). The Authority’s review outcome of 22 June 2026 failed to comply with FOISA in this respect.
15. The Commissioner also notes that the Scottish Ministers’ Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 ([the Section 60 Code](#)¹) expects public authorities to be adequately resourced to support and deliver their FOI duties (paragraph 1.1.4 in Part 2).

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant.

In particular, the Authority failed to respond to the Applicant’s requirement for review within the timescale laid down by section 21(1) of FOISA. Given that the Authority has since responded to the Applicant’s requirement for review, he does not require the Authority to take any action in relation to this failure.

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2026/03/foi-eir-section-60-code-practice/documents/foi-eir-section-60-code-practice/foi-eir-section-60-code-practice/govscot%3Adocument/foi-eir-section-60-code-practice.pdf>

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Cal Richardson
Deputy Head of Enforcement

23 June 2026