

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 24 February 2011

Public Authority: South Tyneside Council
Address: Town Hall
Westoe Road
South Shields
Tyne and Wear
NE33 2RL

Summary

The complainant submitted two letters containing 78 requests for information to South Tyneside Council ('the Council'). The Council aggregated these requests and initially withheld the requested information under section 12, section 14 and section 21. As a result of its internal review, the Council provided some information. However, it stated that it did not hold some of the requested information, and withheld the remainder under the exemptions at section 12 and section 40. The Commissioner has investigated and found that the Council does not hold some of the requested information. However, it breached section 1(1)(a) by failing to inform the complainant of this. The Council has also applied section 40 to some of the complainant's requests, and has complied with section 1(3) by requesting clarification of others. The Commissioner found that the Council was correct to aggregate the remainder of the requests, but failed to provide adequate evidence that the exemption at section 12 applied. Consequently, the Commissioner requires the Council to comply with section 1(1) in relation to the complainant's outstanding requests for information. The Council must take the steps required within 35 days of this notice.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 26 July 2009, the complainant submitted 29 requests for information to the Council. These are listed in Annex A. The Commissioner notes that whilst this letter contained 29 numbered requests, several of the requests were composite and posed a number of questions. For example, request three of this letter read:

“Please state how South Tyneside Council has specifically promoted equality of opportunity, eliminated unlawful discrimination and promoted good race relations at Margaret Sutton School within the last ten years. For each area, please stated what and when monitoring has taken place on its implementation in order to assess its impact on employees at Margaret Sutton School. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the governing body of Margaret Sutton School?”

The complainant asked that the Council provide a response within seven days. The Council acknowledged receipt of these requests on 6 August 2009.

3. On 8 August 2009, the complainant submitted a further 49 requests for information to the Council. These are listed in Annex B. Again, the Commissioner notes that whilst this letter contained 49 separate numbered requests, several of the requests were composite and posed a number of questions. For example, request 31 of this letter read:

“Please could you provide information on how South Tyneside Council analysed the data for patterns of inequality with particular reference to:

- i. How many teaching applications were received from BME individuals as a percentage of the local population that the Council has recruited from for the last five years
- ii. The success rates of BME applicants, for teaching posts, in terms of short listing and job offers
- iii. The number of BME employees who are teachers
- iv. Whether there is a significant disparity between BME employees and the overall workforce by grade structure
- v. Whether there is an absence of BME employees in higher grade posts within teaching
- vi. Whether there is significant difference in the retention of BME employees”

The complainant again asked that the Council provide a response within seven days. The Council acknowledged receipt of these requests on 10 August 2009.

4. The Council responded to both these requests on 26 August 2009. It informed the complainant that it had aggregated his requests of 26 July 2009 with his requests of 8 August 2009. The Council confirmed that it held the requested information, but that the information was withheld under section 12, section 14(1), and section 21.
5. Section 14(1) provides an exemption where a request is vexatious. The Council stated that as the complainant was currently pursuing an employment grievance with the Council, he had received much of the requested information already via the Council's Legal Team. The Council advised the complainant that he should request any outstanding information "through the Employment Tribunal route". The request was therefore deemed vexatious as the Council considered it to be an inappropriate use of the Act.
6. Section 12 provides an exemption where compliance with a request would exceed the 'appropriate limit' as set out in [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#) ('the Fees Regulations'). The Council stated that complying with the complainant's aggregated requests would exceed this limit. Section 21 provides an exemption where information is reasonably available by another means. The Council stated that some of the policies requested by the complainant were accessible on its website.
7. The complainant requested an internal review of this decision on 29 August 2009. In particular, he emphasised that he had not received any of the requested information from the Council's legal team, that he could not locate all of the requested information on the Council's website, and that he challenged the Council's estimate that compliance with his requests would exceed the appropriate limit.
8. Following the intervention of the Commissioner, the Council provided the complainant with its internal review outcome on 1 March 2010. This stated that whilst the exemption at section 12 applied to the aggregated requests, the Council had decided to respond to the complainant's queries where information was readily available. The details of the Council's response to each question are provided in Annex C.

9. The Council confirmed that it did not hold information relevant to the following questions:
- Letter of 26 July 2009: requests 3, 4, 7, 12, 15, 16, 17, 21, 22, 23, 25, 26 and 27
 - Letter of 8 August 2009: request 1, 9, 16, 17, 18, 25, 29, 31 41, 42, and 43
10. Although the Council stated that section 12 applied to the complainant's requests in their entirety, information in relation to request 19 of the letter of 26 July was also withheld under section 40(1). Information in relation to request number 24 of the letter of 26 July 2009 was withheld under the exemptions at sections 21, 36, 40(2), 41 and 42. The Council advised the complainant that it had provided information that was readily available in an attempt to assist him in order to comply with its duties under section 16. The Council also advised the complainant that it considered that "some" of his requests were vexatious under section 14. However, it did not specifically apply section 14 to any of the complainant's requests, but warned the complainant that future requests related to his employment tribunal claim would not receive a response.

The Investigation

Scope of the case

11. On 26 September 2009, the complainant contacted the Commissioner to complain about the way his request for information had been handled.
12. The Council applied section 40(1) to request 19 of the letter of 26 July 2009. The Commissioner considers that several more of the requests are clearly for information relating to the complainant. The following requests are completely or partially for information that, should it exist, would comprise the applicant's personal data:
- Letter of 26 July: requests 14, 16, 18, 19 and the second part of request 24
 - Letter of 8 August: request 16, the latter part of request 28, the first parts of requests 29 and 49

13. Requests for an applicants' personal data are exempt under section 40(1) of the Act and should be dealt with under the Data Protection Act ("DPA"). The Commissioner has therefore excluded these requests from the scope of the investigation. The Commissioner understands that the complainant has submitted a subject access request for this information to the Council. The Commissioner has investigated the Council's response to this separately under the DPA.
14. After receiving the Council's internal review outcome, the complainant on 4 May 2010 informed the Commissioner that he was dissatisfied with aspects of the Council's response. The complainant did not raise any objections to the Council's response to the following requests:
 - Letter of 26 July: requests 1, 8, 10, 11, 13, 17, 22, 28
 - Letter of 8 August: requests 1-8, the first part of request 9, 10-12, 15, 19, the first part of request 28, the last part of request 29, 35, 38, 49

The Commissioner has therefore excluded these requests from the scope of the investigation. The complainant stated that he did not wish to resubmit request 24 of his letter of 26 July to the School. However, the Council did not direct him to do so and instead applied the exemptions at sections 40(2), 41, 36 and 42 to the request. The complainant did not raise any objection to this and so the Commissioner has also excluded this from the Decision Notice.

15. The outstanding requests for the Commissioner to investigate are:
 - Letter of 26 July: requests 2-7, 9, 12, 15, 20, 21, 23, 25- 27 and 29
 - Letter of 8 August: the latter part of request 9, 13, 14, 17, 18, requests 20-27, requests 30 – 34, 26, 37, requests 39 – 48.

Chronology

16. On 23 November 2009, the Commissioner wrote to the Council and asked that it provide its internal review outcome to the complainant within twenty working days.
17. On 1 December 2009, the Council wrote to the Commissioner and explained that, based on the correspondence it had received from the complainant, it was under the impression that the complainant did not wish the Council to conduct an internal review.

18. The Commissioner wrote to the Council on 3 December 2009 and asked that as the complainant was dissatisfied with the way his request had been handled, the Council conduct an internal review.
19. On 8 January, 22 January, 17 February and 25 February 2010, the Commissioner wrote to the Council to ask that it provided its internal review outcome as soon as possible.
20. After an exchange of emails between the complainant, Commissioner and Council during February and April, the complainant received the Council's internal review outcome and the information listed in Annex C on 8 April 2010.
21. On 4 May 2010, the complainant confirmed that he was dissatisfied with the Council's internal review outcome and asked the Commissioner to investigate the Council's application of various exemptions.
22. On 18 May 2010, the Commissioner wrote to the Council and asked that it provide arguments to support its reliance on section 12.
23. On 24 May 2010, the Council confirmed to the Commissioner that it relied on section 12 of the Act and that it had already exceeded the appropriate limit in supplying information to the complainant.
24. On 29 July 2010 the Council provide the Commissioner with details of the time it has already spent on complying with the complainant's request.

Analysis

Substantive Procedural Matters

Section 8

25. Section 8(1) of the Act provides that "... any reference to a "request for information" is a reference to such a request which –
 - (a) is in writing,
 - (b) states the name of the applicant and an address for correspondence, and
 - (c) describes the information requested."

26. The Council has commented that several of the complainant's requests are not in fact FOI requests, but rather enquiries which seek the Council's comments or opinions. For example, request 20 of the letter of 6 August reads:

"Please could you provide information on how South Tyneside Council has eliminated discrimination in employment during the last three years"

27. The Information Tribunal in the case of [Day v Information Commissioner and the DWP](#) (EA/2006/0069) commented that:

"The Act only extends to requests for recorded information. It does not require public authorities to answer questions generally, only if they already hold the answers in recorded form. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action – unless of course, the answer to any such request is already held in recorded form" (para 15)

28. The Tribunal however acknowledged that it was possible that a public authority could hold recorded information in relation to a request. The Tribunal in [Fowler v Information Commissioner and Brighton and Hove Council](#) (EA/2006/0087), commenting on a request, stated that:

"It is always possible that the Council may hold recorded information which answers [the] question...However, in most such cases an individual reply will have to be drafted to answer the question...Neither EIR nor FOIA require public authorities to go to such lengths. The obligation is to provide recorded information, not to create a record so that an answer may be given. The public authority may voluntarily provide a full answer, but it is not obliged to do so. If the public authority does hold information in recorded form which answers the question, it should provide it; if it does not hold the information in recorded form, it should say so..." (paras 12 and 13)

29. The Commissioner agrees with this interpretation. If information is held that would satisfy a request, then a public authority should confirm this, and disclose the information unless an exception applies. If no relevant information is held, then a public authority should confirm this in accordance with section 1(1)(b).

Section 1

Section 1(1)(a)

30. Section 1(1)(a) provides 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
31. The Council has informed the Commissioner that it does not hold some of the information the complainant has requested in relation to Margaret Sutton School ('the School'). This is because the Governing Body of the School is a public authority in its own right, and therefore holds any relevant information itself. The Council therefore referred the complainant to the School to seek information about the following requests:
- Letter of 26 July: requests 3, 4, 7, 9, the latter part of request 12, 15, 21, 22, 23, 25, 26, 27
 - Letter of 8 August: the latter part of request 9, requests 17, 18, 25, 40, 41, 42
32. The complainant disputes that any information that existed would not be held by the Council. In his letter of 4 May 2010, he argues that:
- "South Tyneside Council has overall jurisdiction for Margaret Sutton School and all of the employees. All of the employees are employed by South Tyneside Council. It therefore follows that South Tyneside Council is the Data Controller and should provide the requested information relating to Margaret Sutton School. There is no requirement for redirecting the request to Margaret Sutton School".
33. The Commissioner understands that the Council has overall jurisdiction for the School. However, the Council has explained to the Commissioner that the School operates autonomously in respect of its day to day work and activities. Although School employees are technically employed by the Council, in effect they work for the School. The School consequently has responsibility for maintaining staff records, its own policies, and records relating to training and staff development, rather than the Council. The Council confirms that the School has no legal obligation to report to the Council on all school or employment issues. The appropriate authority for the School is its Governing Body.

34. The complainant suggests that as the Council has overall responsibility for the School, it ultimately 'holds' all of the information held by the School. However, the Commissioner notes that the School is a data controller in its own right, and has notified with the Information Commissioner as such under section 18 of the Data Protection Act.¹ Purpose four of the School's registration states that it controls data for "staff, agent and contractor administration". The School also constitutes a separate public authority for the purposes of the Freedom of Information Act. The Commissioner accepts that as the Council are not involved in the day to day management of the School, there is nothing to suggest that it would hold the requested information, especially given that the School is a public authority in its own right.
35. Consequently, the Commissioner accepts that the Council holds no information relevant to the complainant's requests for information on the School's own activities, policies and procedures. However, in its internal review, the Council advised the complainant to redirect the requests to the School. The Council did not explicitly state that this was because it did not hold the requested information. The Commissioner therefore concludes that the Council failed to comply with section 1(1)(a) in relation to these requests.
36. Whilst the Commissioner accepts that the Council does not hold any information relevant to the School's own activities and policies, he does not accept that the Council was correct to redirect the complainant to the School in all of the cases in which it did so. Some of the complainant's requests were for information related to the School's own functions and the Council would have no reason to hold this information. For example, request 7 of the complainant's letter of 26 July 2009:

"Please state all staff absences at Margaret Sutton School..."

However, other requests were explicitly for information about the Council's involvement with the School. For example, request 9 of the letter of 26 July 2009:

"Please state what actions have been taken by South Tyneside Council to ensure that equality and diversity are valued...at Margaret Sutton School".

¹ The School's registration number on the Register of Data Controllers is Z9543476. This register can be searched electronically at www.ico.gov.uk

The Commissioner's view is that where the complainant has specifically asked for information about the Council's involvement with the School, the Council should respond in accordance with section 1(1) as there is a reasonable expectation that if any information is held, the Council would hold this rather than, or as well as, the School. If no information is held by the Council, then it should inform the complainant of this.

37. The Commissioner therefore accepts that the Council does not hold information relevant to the following requests and was correct to redirect the complainant to the School:

- Letter of 26 July: requests 7, 22, 25, 26, 27
- Letter of 8 August: requests 9, 40, 41, 42

Section 1(3)

38. Section 1(3) provides that where a public authority reasonably requires further information in order to identify and locate the information requested, and has informed the applicant of that requirement; it will not have to comply with section 1(1) until the applicant has provided further clarification.

39. In its internal review, the Council asked the complainant to clarify the following requests:

40. Letter of 26 July: request 29 –

“Please could you also provide me a full breakdown of all costs (legal and other) incurred by South Tyneside Council, to date, in relation to my case...”

41. The Council's response asked the complaint to clarify what was meant by “costs (legal and other)”. It informed the complainant that in addition to legal costs of solicitors and barristers, there had been significant costs to the finance, HR and democratic services department.

42. The Council also asked the complainant to clarify what he meant by “in relation to my case”. The complainant has previously instigated proceedings at an Employment Tribunal against the Council which concluded in June 2008. At the time of the internal review, there was a new on-going Employment Tribunal case relating to the same dismissal, but brought under different grounds.

43. The Commissioner believes that it was unnecessary for the Council to seek clarification of the term “costs (legal and other)”. The Council in

its response acknowledges that there have been costs incurred other than legal expenses.

44. However, the Commissioner does accept that it was reasonable for the Council to seek clarification of the term "in relation to my case". This is because the complainant has instigated two separate "cases" against the Council, relating to the same dismissal, but on different and separate grounds. The Commissioner therefore considers that it is unclear what information the complainant sought. Consequently, he concludes that the Council has complied with section 1(3) in relation to this request.
45. Letter of 8 August: request 43 –
- "Please could you provide minutes of your ESG for the last five years".
46. The Council's response asked the complainant to "please confirm what you mean by 'ESG'?" The complainant has informed the Commissioner that this term refers to an 'Equality Steering Group'.
47. The Commissioner accepts that this term is not widely known or in common usage and considers that it is unclear what information the complainant sought. The Commissioner therefore accepts that that the Council was entitled to ask the complainant to clarify what the acronym referred to.
48. Letter of 8 August: request 45 –
- "Please could you provide a copy of the detailed action plan that was endorsed by STC. When was the plan drafted and when was it adopted".
- The Council's response read "This point is not clear? What action plan?"
49. The complainant has informed the Commissioner that he referred to an Action Plan resulting from a study visit to Manchester City Council which he states was endorsed by the Council and monitored by its Scrutiny Committee.
50. The request asked for an 'Action Plan' but did not specify what this referred to. The Commissioner's view is that the request was not specific enough to allow the Council to determine the information sought and that the Council was entitled to ask the complainant to explain which action plan he referred to. Consequently, he concludes

that the Council has complied with section 1(3) in relation to this request.

51. The complainant has not as yet provided the Council with further clarification of request 29 of 26 July or requests 43 and 45 of 8 August and until he does so, the Council is under no obligation to comply with section 1(1) in relation to these requests.
52. Letter of 8 August: request 48 –

“Please could you provide information/reports on how STC self-assessed itself at Level 3 of the Local Government Equality Standard in March 2008”.

The Council’s response read “This point is not clear?”

53. The Commissioner does not accept that this request does not make clear the information sought. In his complaint to the Commissioner, the complainant stated that the request was “self-explanatory...STC declared itself at level 3 of the Local Government Equality Standard in March 2008. The request asks for information appertaining to this self-assessment”. The Commissioner is of the opinion that the Council did not need to seek clarification of this request and therefore it has breached section 1(1) by failing to respond to the request.
54. Excluding the requests where the Council has requested clarification, and requests where the Commissioner is satisfied that the Council does not hold the requested information, the remaining requests for the Commissioner to investigate are:
- Letter of 26 July: requests 2- 6, 9, 12, 15, 20, 21, 23
 - Letter of 8 August: requests 13, 14, 17, 18, 20-27, 30- 34, 36, 37, 39, 44, 46- 48

The Council provided a response to all of these requests but the complainant was not satisfied with the responses as they did not provide all of the information requested.

Section 12

55. The Council applied section 12 to the remainder of the requested information. Section 12 provides an exemption where the cost of complying with the request would exceed the appropriate limit as set out in regulation 3 of the Fees Regulations. For public authorities such

as the Council, the appropriate limit is £450. Using a standard rate of £25 per hour, per staff member, this equates to 18 hours work.

Can the requests be aggregated?

56. The Commissioner has first considered whether the requests should be aggregated or considered individually for the purposes of section 12(1). Section 12(4) provides that where two or more requests are made by one person, the estimated cost of complying with any of the requests can be taken to be the estimated total cost of complying with all of them. Regulation 5(2) of the Fees Regulations clarifies that this applies when the requests relate to any extent to the same or similar information, and are received by the public authority within a period of 60 consecutive working days.
57. In order to aggregate the requests for the purposes of section 12(1) the Commissioner must determine whether they relate to any extent, to the same or similar information. This has been considered by the Information Tribunal in [Ian Fitzsimmons v Department for Culture, Media and Sport](#) [EA/2007/0124]. The Tribunal made the following general observation at paragraph 43:

“The test in Regulation 5 of the Fees Regulations seems to us to be very wide; the requests need only relate *to any extent* to the same or *similar* information [Tribunal emphasis]”.

58. The Commissioner considers that the Council is entitled to aggregate the remainder of the complainant's requests. This is because the requests all relate to the Council's equality and diversity policies and procedures, and how these are implemented and monitored.

Was section 12(1) applied correctly?

59. Regulation 4(3) of the Fees Regulations provides that the activities that a public authority can take into consideration in calculating an estimate of the time that it would take to comply with a request are:
- Determining whether it holds the information,
 - Locating the information or a document containing it,
 - Retrieving the information or a document containing it; and
 - Extracting the information from a document containing it.
60. The Commissioner also notes, as set out in paragraph 26 above, that some of the requests ask for explanations about the Council's activities. The Council points out that it may not hold any relevant information and that the request seeks an explanation or an opinion.

The Commissioner accepts that this may be the case, but also notes that it is possible that the Council does hold information about how it performs certain functions.

61. However, the Council would have to invest a considerable amount of time to ascertain whether any information was held in relation to these requests, and so also argues they are exempt under section 12. Section 12(2) provides that a public authority will not have to comply with its duty to confirm or deny whether information is held under section 1(1)(a) if the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
62. The Council has explained to the Commissioner that it has already exceeded the appropriate limit in responding to the complainant's requests. It has taken into account here the time it has spent in providing the complainant with the information sent with its internal review outcome.
63. The Council has informed the Commissioner that it has spent around 25 hours on supplying the complainant with the information in its internal review outcome of 1 March 2010. It has informed the Commissioner that it has spent time on the following activities in providing this information:
 - o Staff meetings – 4 hours
 - o Locating information – 6 hours (or in excess as the location of much of the information was not known)
 - o Compiling response letters – 4 hours
 - o Compiling statistics from raw data – 5 hours
 - o Emailing staff to try to locate and chase requests for minutes, policies and procedures – 6 hours
64. As set out in paragraph 59, a public authority is only entitled to take into account certain activities in its calculations of the time spent on complying with a request. The time spent on 'compiling response letters' will not normally be taken into account, although the Commissioner does accept that in this case, the Council may have spent a considerable amount of time explaining its activities in its response letter, rather than providing held information. The time spent in meetings and chasing internal requests for information will also not usually be taken into account. The Commissioner appreciates that meetings might conceivably be necessary to determine whether information is held, but notes that the Council has not given him evidence that this was the case here.

65. When these activities are excluded, the estimate of the time already spent on complying with the request does not exceed the appropriate limit. The Commissioner also notes that the Council has provided no explanation of how it spent the time engaged in each of the above activities, nor has it given any estimate of how long it would take to provide the rest of the requested information. It has therefore failed to demonstrate to the Commissioner's satisfaction that section 12 applies.
66. Consequently, despite the fact that the complainant submitted a large quantity of requests, the Commissioner has to conclude that the Council did not apply the exemption at section 12 correctly.

Section 16

67. The Council applied section 12 in its response to the complainant's request. Section 16 of the Act provides that:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it"

68. The Commissioner considers that where section 12 is applied, a public authority should comply with its duty to provide advice and assistance by advising an applicant how their request might be refined so that it can be dealt with within the appropriate limit.
69. The Commissioner notes that the Council has provided information to the complainant relevant to some of the questions that he had submitted. The Council has explained that it provided as much information as it could under the appropriate limit by disclosing information that was readily accessible and the Commissioner accepts that the Council was attempting to be helpful to the complainant and disclose as much information as possible.
70. However, the effect of this is that the Commissioner finds that had engagement with the complainant taken place at the outset, then the Council may have been able to direct the not inconsiderable time that it has spent on dealing with the requests in a way that the complainant may have found more useful. Equally, if no agreement had been reached, there would have been no need to have progressed any further as the cost limit under section 12 would have been likely to remove the obligation to proceed. Although the Council has provided a substantial amount of information to the complainant, it did not consult with him prior to doing this.

The Decision

71. The Commissioner finds that South Tyneside Council applied section 12 to the complainant's requests incorrectly. The Council has also breached section 1(1)(a) by failing to inform the complainant that it did not hold information in relation to the following requests:
- Letter of 26 July: requests 7, 22, 25, 26, 27
 - Letter of 8 August: requests 9, 40, 41, 42

Steps Required

72. The Commissioner requires the Council to comply with section 1(1) in relation to the complainant's outstanding request, specifically:
- Letter of 26 July: requests 2- 6, 9, 12, 15, 20, 21, 23
 - Letter of 8 August: requests 13, 14, 17, 18, 20-27, 30-34, 36, 37, 39, 44, 46- 48

The Council should either disclose the requested information or provide the complainant with a valid refusal notice compliant with section 17 of the Act.

73. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

74. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Right of Appeal

75. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 24th day of February 2011

Signed

**Anne Jones
Assistant Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

Section 1(1) provides 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."

Section 1(3) provides that –

"Where a public authority –

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information."

Section 8(1) provides that –

"In this Act any reference to a "request for information" is a reference to such a request which –

(a) is in writing,

(b) states the name of the applicant and an address for correspondence, and describes the information requested

Section 12(1) provides that –

"Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."

Section 12(2) provides that –

"Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit."

Section 12(3) provides that –

"In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases."

Section 12(4) provides that –

"The secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them."

Section 12(5) – provides that

"The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Section 16(1) provides that -

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it".

Section 40(1) provides that –

"Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject."

Annex A – complainant’s requests to the Council of 26 July 2009

- 1) Please state how the South Tyneside Council meets the requirements of the general duty and specific duties in the Race Relations (Amendment) Act 2000 and the Commission for Racial Equality's (CRE) code of practice with specific reference to Margaret Sutton School
- 2) Please provide internal and external Audit Reports appertaining to financial expenditure at Margaret Sutton School for the last five years
- 3) Please state how South Tyneside Council has specifically promoted equality of opportunity, eliminated unlawful discrimination and promoted good race relations at Margaret Sutton School within the last ten years. For each area, please stated what and when monitoring has taken place on its implementation in order to assess its impact on employees at Margaret Sutton School. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the governing body of Margaret Sutton School?
- 4) Please state how South Tyneside Council's clear view that everyone employed at Margaret Sutton School is entitled to fair treatment, and to be treated with courtesy and respect, is monitored. Please state what and when monitoring has taken place on its implementation in order to assess its impact on staff, learners and parents/carers. How and when have the results of such monitoring and assessments of impact been communicated to all employees of Margaret Sutton School, the elected members of South Tyneside Council and the Governing Body of Margaret Sutton School?
- 5) Please state if South Tyneside Council has a written policy on Race Equality and the date of its formal approval by the elected members. Please state what and when monitoring has taken place on its implementation in order to assess its impact on employees. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?
- 6) Please state if South Tyneside Council has a written policy on Equal Opportunities and the date of its formal approval by the elected members. Please state what and when monitoring has taken place on its implementation in order to assess its impact on staff, learners and parents/carers. How and when have the results of such monitoring and assessments of impact been communicated to all employees of

South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?

- 7) Please state all staff absences at Margaret Sutton School during the last five years which were undertaken during school time. For each, please state the date, duration and purpose (anonymity may be preserved).
- 8) Please provide me with the South Tyneside Council policy on Racial Harassment and the date of its formal approval by the elected members. Please state what and when monitoring has taken place on its implementation in order to assess its impact on all employees of Margaret Sutton School. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?
- 9) Please state what actions have been taken, by South Tyneside Council, to ensure that equality and diversity are valued for a productive and professional working environment at Margaret Sutton School
- 10) Please provide the Annual Report for 2006, 2007 and 2008 in relation to the Race Equality Scheme 2006-2009 – 'Promoting Equality...Celebrating Diversity' as drafted by South Tyneside Council.
- 11) Please state the number of staff employed at Margaret Sutton School on 6 September 2007 by reference to:
 - a) start date
 - b) job title, grade/band and location based
 - c) full or part time
 - d) whether permanent or on a temporary contract
 - e) if permanent, whether they initially worked on a temporary contract. If so, the date they started on a contract and the date they became permanent
 - f) race

(Anonymity may be preserved)

- 12) Please state how South Tyneside Council has ensured that all employees of Margaret Sutton School have received Equality and Diversity training so that they do not discriminate against anyone. Please state what and when monitoring has taken place on its implementation in order to assess its impact on staff, learners and parents/carers. How and when have the results of such monitoring

and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?

- 13) Please provide information relating to the monitoring and analysis of data that South Tyneside Council has collected on ethnic origin to identify barriers to equality and diversity.
- 14) Please state how South Tyneside Council has ensured that I have received fair and equal treatment within my employment during the last ten years.
- 15) Please state how South Tyneside Council has developed and implemented effective harassment policies, practices and procedures with specific reference to Margaret Sutton School
- 16) Please state how South Tyneside Council has encouraged me to reach my full potential during the course of my employment at Margaret Sutton School.
- 17) Please state how and when South Tyneside Council created a Black and Minority Ethnic Teachers Group and consulted with the said group on policy and practice within South Tyneside Council. Please provide copies of all minutes of meetings.
- 18) Please state how and what South Tyneside Council has put in place to ensure that my workplace was free from discrimination and harassment and acted promptly on any complaints made by me
- 19) Please provide copies of all information received and distributed by South Tyneside Council in respect to me. This should include information recorded in any form, including emails or letters, audio, video tapes and DVD, handwritten notes on files or documents, and any information provided by and to a third party.
- 20) Please provide statistical information on the number of Black and Minority Ethnic teachers employed in South Tyneside Council schools by reference to:
 - a) start date
 - b) job title, grade/band and location based
 - c) full or part time
 - d) whether permanent or on a temporary contract
 - e) if permanent, whether they initially worked on a temporary contract. If so, the date they started on a contract and the date they became permanent

(Anonymity may be preserved)

- 21) Please state how South Tyneside Council ensures that all employees and School Governors of Margaret Sutton School adhere to the South Tyneside Equality and Diversity policy. Please state what and when monitoring has taken place on its implementation in order to assess its impact on all employees of Margaret Sutton School. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?
- 22) Please state the number of Governors and staff at Margaret Sutton School who are members/followers of the Jesus Christ Church of Latter Day Saints (Mormon) during the last five years. For each, please provide statistical information on:
- a) when their job / position was advertised
 - b) the composition of the interview panel
 - c) interview date
 - d) start date
 - e) job title and position, grade / band and location based
 - f) full or part time
 - g) whether permanent or on a temporary contract.
 - h) if permanent, whether they initially worked on a temporary contract. If so, the date they started on a contract and the date they became permanent

(Anonymity may be preserved)

- 23) Please state the level of South Tyneside Council support provided to the current Headteacher during the last five years. Please explain, in detail, each level of support, the purpose and the timescales involved. Please provide any reports or recommendations in relation to this support over the last five years.
- 24) Please provide any information relating to Management Review Meetings conducted by South Tyneside Council during investigations at Margaret Sutton School. Please could you provide all formal, informal or handwritten notes in respect to me.
- 25) Please provide details of all competency procedures administered on the Headteacher and Governing Body of Margaret Sutton School. Please further state the current level of competency procedure for the Headteacher and Governing Body of Margaret Sutton School.

- 26) Please provide the National Standards of competency for Headteachers. Please further state to what extent has the Headteacher of Margaret Sutton School achieved them.
- 27) Please state what investigations were completed in respect of the trip to France in June 2007 returning early. Please state:
- a) the number of complaints/issues received
 - b) everyone spoken to, by whom and what date
 - c) what they were told and what they said
 - d) please supply copies of any notes or statements taken
 - e) any findings or conclusions reached and by whom
 - f) any action taken, its nature, by whom and against whom
 - g) how, what and when were the findings of the investigations communicated to the parents and the Educational Visits Coordinator.
- 28) With reference to South Tyneside Council employees' recruitment information, it is stated by the Headteacher of Margaret Sutton School that the 'LA destroy after 1 year'. Please confirm that South Tyneside Council destroy all recruitment and retention information after one year. Please further provide the South Tyneside Council policy on 'Retention of Recruitment Document' and its formal approval by the Cabinet. Please state what and when monitoring has taken place on its implementation in order to assess its impact on all employees of the Council. How and when have the results of such monitoring and assessments of impact been communicated to all employees of South Tyneside Council, its elected members and the Governing Body of Margaret Sutton School?
- 29) Could you please also provide me with a full breakdown of all costs (legal and otherwise) incurred by South Tyneside Council, to date in relation to my case.

Annex B – complainant’s requests to the Council of 8 August 2009

- 1) How many current councillors are of BME origin?
- 2) How many members of the Senior Management of South Tyneside Council are of BME origin?
- 3) Please could you provide information on how South Tyneside Council has assessed the Race Equality Scheme for any adverse effect on the impact of race equality. Please further state how the results of such assessment were communicated to the public.
- 4) Please could you provide information on how South Tyneside Council has consulted on the likely impact of the Race Equality Scheme.
- 5) Please could you provide information on how South Tyneside Council has assessed the Race Equality Scheme for any adverse effect on the impact of race equality.
- 6) Please could you provide information on how South Tyneside Council has monitored the Race Equality Scheme for any adverse effect on the impact of race equality.
- 7) Please could you provide information on when South Tyneside Council published the results of assessments, consultation and monitoring of the Race Equality Scheme
- 8) Please could you provide information on how South Tyneside Council has made sure that the public has had access to information and services in relation to the Race Equality Scheme.
- 9) Please could you provide information on when South Tyneside Council has trained all of its employees on the issues relevant to the general duty and specific duties in relation to the Race Equality Scheme. Please provide further information on when all staff and governors of Margaret Sutton School received training in race equality and diversity.
- 10) Please could you provide information on how South Tyneside Council has monitored BME staff in post (by grade) and BME applications for jobs, promotion and training.
- 11) Please could you provide information on how South Tyneside Council has ethnically monitored and analysed grievances, disciplinary action, performance appraisal, training and dismissals and other reasons for leaving for all BME teachers.

- 12) Please could you provide information on how South Tyneside Council has ensured that every school in the LA has a Race Equality Policy
- 13) Please could you provide information on how South Tyneside Council has monitored and assessed how Margaret Sutton School has monitored and assessed how their policies affected black and minority ethnic pupils, staff and parents
- 14) Please could you provide information/report on the review of the Race Equality Scheme for the last three years.
- 15) Please could you explain South Tyneside Council's vision for equality and diversity using the terms... Fair for all...personal to each
- 16) Please could you explain how I have been encouraged to realise my full potential and encouraged to be the best that I can be. Please stipulate the person(s) involved and the timings of such encouragements. Please could you provide copies of all notes / minutes regarding the same.
- 17) Please could you explain how South Tyneside Council promoted Race Equality at Margaret Sutton School for the last ten years
- 18) Please could you provide information on how South Tyneside Council has eliminated unlawful discrimination at Margaret Sutton School
- 19) Please could you provide information on how South Tyneside Council has promoted good race relations during the last three years
- 20) Please could you provide information on how South Tyneside Council has eliminated discrimination in employment in the last three years
- 21) Please could you provide reports from consultants who were brought in to tell South Tyneside Council specifically about BME issues.
- 22) Please could you provide information on how South Tyneside Council has conducted BME training and research to help BME businesses
- 23) Please could you provide reports / minutes of the South Tyneside Equality Forum for the last three years
- 24) Please could you provide information on all equality and diversity training arranged by South Tyneside Council in 2003 and 2004 which included the implications of the Race Relations (Amendment) Act. Please could you also provide information on the same with specific reference to Margaret Sutton School.

- 25) Please could you provide information / reports on how South Tyneside Council has monitored equality and diversity data, at Margaret Sutton School, through its recruitment and selection process in the last three years.
- 26) Please could you provide information / all reports on how South Tyneside Council has monitored BME candidates for evaluating performance on achieving race equality objectives for the last three years.
- 27) Please could you provide information / reports on how South Tyneside Council has monitored the number of BME employees in post for the last three years. Please further state the membership of your Equality Group for Black and Minority Ethnic employees and its function.
- 28) Please could you provide information on how South Tyneside Council has ensured the attendance of BME employees at your Equality Group for Black and Minority Ethnic employees and identified opportunities for improvement for the said employees. Please could you also provide information that ensured my attendance.
- 29) Please could you provide information / minutes / reports on when South Tyneside conducted an Exit Interview for myself. Please provide further information on all Exit Interviews conducted by South Tyneside Council for BME employees for the last five years.
- 30) Please could you provide information on when the results of key actions surrounding equality and diversity were published for the last three years.
- 31) Please could you provide information on how South Tyneside Council analysed the data for patterns of inequality with particular reference to:
 - a. How many teaching applications were received from BME individuals as a percentage of the local population that the Council has recruited from for the last five years
 - b. The success rates of BME applicants, for teaching posts, in terms of short listing and job offers
 - c. The number of BME employees who are teachers
 - d. Whether there is a significant disparity between BME employees and the overall workforce by grade structure
 - e. Whether there is an absence of BME employees in higher grade posts within teaching
 - f. Whether there is significant difference in the retention of BME employees

- 32) Please could you provide South Tyneside Council's annual recruitment report for the last five years
- 33) With reference to Positive Action Initiatives within your Race Equality Scheme, please could you provide information / reports on how South Tyneside Council undertook positive action measures for BME individuals in terms of a) encouraging the said individual / group to apply for jobs, and b) giving training to help the said individual / group to help them develop their potential
- 34) Please could you provide information / reports on how and when South Tyneside Council developed initiatives that targeted black and minority ethnic employees to enable them to apply for particular positions for the last five years
- 35) Please could you provide information / reports on how South Tyneside Council used black and minority support networks to publicise vacancies for the last five years
- 36) Please could you provide information / reports on how South Tyneside Council encouraged black and minority ethnic applicants in occupational areas where they are under-represented for the last five years
- 37) Please could you provide information / reports on where South Tyneside Council advertised vacancies in various publications and venues that reach black and minority ethnic groups. Please identify which vacancies and how they were directed to the said groups for the last five years
- 38) Please could you provide information / reports on how South Tyneside Council advertised vacancies that were specifically targeted at a particular black and minority ethnic groups. Please identify which vacancies and how they were directed to the said groups for the last five years
- 39) Please could you provide minutes of your BME group meetings for the last five years. Please provide further information on what steps were taken to inform and involve me in the said group.
- 40) Please could you provide information / reports on how Margaret Sutton School monitored and assessed how its policies affected black and minority ethnic pupils, staff and parents for the last five years

- 41) Please could you provide information / reports on how the Governing Body of Margaret Sutton School responded to allegations of race discrimination, less favourable treatment and racial harassment, made by an employed teacher, against the Headteacher. Please could you provide further information on all advice given by South Tyneside Council to the Governing Body of Margaret Sutton School in relation to the above for the last five years
- 42) Please could you provide details of when equality and diversity training was given to all employees of Margaret Sutton School within the last five years
- 43) Please could you provide minutes of your ESG for the last five years
- 44) Please could you provide information / reports on your recent visit to Manchester City Council. When was the visit undertaken, what were the findings, and what was implemented by South Tyneside Council as a result of the visit
- 45) Please could you provide a copy of the detailed action plan that was endorsed by South Tyneside Council. When was the plan drafted and when was it adopted.
- 46) Please could you provide a copy of your Annual Report, in relation to the Race Equality Scheme, for the last five years
- 47) Please could you provide information / reports on how South Tyneside Council monitors its performance against the Equality Standards for Local Government
- 48) Please could you provide information / reports on how South Tyneside Council assessed itself at Level 3 of the Local Government Equality Standard in March 2008
- 49) Please could you provide information / reports on how South Tyneside Council dealt with every complaint made by me. Please make specific reference to the Council's corporate complaints policy. Please provide a copy of the Council's policy.

Annex C – Outcome of the Council’s internal review

Letter of 26 July 2009

- 1) A copy of the Council’s Race Equality Scheme (‘RES’) was disclosed
- 2) The requested information had already been disclosed via the Employment Tribunal process
- 3) The complainant was told to redirect the request to Margaret Sutton School (‘the School’)
- 4) The Council informed the complainant that the RES ensured Council staff were treated fairly and equally. The complainant was told to redirect the request to the School for its feedback.
- 5) The Council informed the complainant that since 2002, its RES had replaced its Race Equality Policy, as required by law.
- 6) The Council informed the complainant that all its equality procedures were outlined in its Corporate Equality Plan. A copy of the Corporate Equality Plan was disclosed.
- 7) The complainant was told to redirect the request to the School
- 8) Copies of the Council’s Racist Incidents and Hate Crime Strategy, its Racist Incident Reporting Strategy and its Harassment and Bullying policy and procedure were disclosed.
- 9) The complainant was told to redirect the request to the School
- 10) Copies of the RES annual reports for 2007 and 2008 were disclosed
- 11) The number of staff at Margaret Sutton School in September 2007, their job titles, whether they were permanent or temporary, and whether they worked full time or part time was disclosed. The complainant was also informed that all start dates were prior to September 2007.
- 12) The complainant was informed that since the implementation of the Race Relations Act 2000, a training programme has been carried out across the Council by consultants about the Act and the RES. A BME community survey was also carried out, leading to a number of initiatives. All Council staff receive induction training on diversity and equality. The complainant was told to redirect the request to the

School for specific information about how its staff receive equality and diversity training.

- 13) The complainant was told to refer to the RES and Annual Reports.
- 14) The complainant was told to refer to the Equality Scheme
- 15) The complainant was told to redirect the request to the School
- 16) The complainant was told to redirect the request to the School
- 17) The Council stated that it was not aware of any BME Teachers' Group
- 18) The complainant was told to refer to the RES and Annual Reports.
- 19) The complainant was told this was a SAR and furthermore, the Council had already dealt with a SAR for the same information submitted on 28 July 2009.
- 20) The number of BME teachers employed in South Tyneside Schools, their job titles, joining dates, ethnic origins, whether they were permanent or temporary, and whether they worked full time or part time was disclosed.
- 21) The complainant was told to redirect the request to the School
- 22) The complainant was told to redirect the request to the School
- 23) The complainant was told to redirect the request to the School
- 24) Information was withheld under section 40(2), section 41, section 42, and section 36. The Public Interest Test for sections 42 and 36 found in favour of maintaining the exemptions.
- 25) The complainant was told to redirect the request to the School
- 26) The complainant was told to redirect the request to the School
- 27) The complainant was told to redirect the request to the School
- 28) The Council confirmed all unsuccessful recruitment information is destroyed six months after the closure date, and provided a copy of its Human Resources Retention Schedule

- 29) The Council stated that it was not sure what was meant by the terms "legal and other costs", and "in relation to my case".

Letter of 8 August

- 1) The information was not held.
- 2) The percentage of South Tyneside employees who identified as being from BME groups in December 2009, and of the top 5 percent of earners, the percentage that identified as being from BME groups in December 2009 were disclosed.
- 3) The complainant was informed that the Council had a rolling programme of Equality Impact Assessments. The most recent list of organisations that the Council has designated for Equality Checks. Information about whether the check has been completed, the date of completion, and whether the check results are publicly available was also provided. The complainant was also referred to the RES annual reports, and a link to an online questionnaire that the Council uses to collect opinions on its RES and other equality schemes.
- 4) The complainant was informed that the Council carried out consultations during the development of its RES. The complainant was also referred to the RES annual reports, and a link to an online questionnaire that the Council uses to collect opinions on its RES and other equality schemes.
- 5) The Council pointed out that this question was the same as question 3
- 6) The complainant was referred to the RES Annual Reports
- 7) The complainant was informed that the RES and Annual Reports were reported to Council meetings and various public fora upon completion, and made available on the Council's website.
- 8) The complainant was referred to the answer to question 7.
- 9) The Council explained that a comprehensive training programme had taken place across the Council in relation to the Race Relations Act 2000. The complainant was also informed that a BME community survey was carried out which led to a number of initiatives. However, the Council stated that details of the survey had been archived and to retrieve them would exceed the cost limit under section 12.

- 10) The complainant was also referred to the RES annual reports, and a link to an online questionnaire that the Council uses to collect opinions on its RES and other equality schemes.
- 11) The complainant was informed that the requested information was not held.
- 12) The complainant was informed that the Council has produced a standard policy template in light of the Race Relations Act and provided it to all schools in the area.
- 13) The complainant was referred to the RES
- 14) The complainant was referred to the RES Annual Reports
- 15) The Council provided an explanation of the phrase "Fair to all...personal to each"
- 16) The complainant was told to redirect the request to the School
- 17) The complainant was told to redirect the request to the School
- 18) The complainant was told to redirect the request to the School
- 19) The complainant was referred to the RES annual reports. Copies of the 'Diversity Peer Challenge Draft Report', organised by the Improvement and Development Agency (IDeA) and the Council's response to the IDeA Diversity Peer Challenge Report were also disclosed. The complainant was informed that the Council had issued many press releases on the various initiatives and projects around equality events it had funded and supported.
- 20) The complainant was referred to the RES Annual Reports
- 21) The dates that a Race Equality Audit, a BME Community Survey Report, and a BME Business and Employment Survey were carried out were disclosed.
- 22) A copy of a report entitled "Improving progression into employment for South Tyneside's BME and disabled residents" was disclosed
- 23) Minutes of the South Tyneside Race Equality Forum were disclosed for:
 - April – July 2008
 - October 2008
 - December 2008

- February 2009
- April 2009
- July 2009
- September 2009 and
- November 200

(These minutes show that meetings were not scheduled for the months during 2008 and 2009 where no minutes were provided.)

- 24) The complainant was referred to the response to question nine.
- 25) The complainant was told to redirect the request to the School
- 26) The complainant was referred to the RES and Annual Reports. The complainant was informed that this was the only information the Council was legally obliged to collate in relation to the request.
- 27) The complainant was referred to the RES and Annual Reports. The complainant was informed that this was the only information the Council was legally obliged to collate in relation to the request.
- 28) The complainant was informed that attendance at these fora was optional for staff
- 29) The complainant was told to redirect the request to the School
- 30) The complainant was referred to the Equality Forum minutes and standards.
- 31) The complainant was informed that the requested information was not held as the data had never been analysed to this level. However he was referred to the response to question 20 of his letter of 26 July 2009.
- 32) The Council provided a copy of its last Annual Recruitment Report, dated 2003/2004
- 33) The complainant was referred to the RES Annual Reports
- 34) The complainant was referred to the RES Annual Reports
- 35) The Council provided an example of how it uses black and minority support networks to advertise vacancies, specifically through CREST (Compact for Race and Equality in South Tyneside). The contact details for this voluntary sector organisation were provided.

- 36) The complainant was referred to the RES Annual Reports
- 37) A copy of a briefing note from the Council's Head of Organisational Development and People to the Chief Executive, dated 8 January 2007, and entitled "Improving Recruitment from our Black and Minority Ethnic Communities"
- 38) A list of the various community groups that receive the Council's fortnightly job bulletin was disclosed. The Council stated that it did not consider it appropriate to provide all job bulletins, and it was likely only the last years' worth were held.
- 39) The complainant was referred to the Equality Forum minutes and informed of where nominations to be a member of the Council's BME employee group are advertised
- 40) The complainant was told to redirect the request to the School
- 41) The complainant was told to redirect the request to the School
- 42) The complainant was told to redirect the request to the School
- 43) The complainant was asked to clarify what he meant by 'ESG'
- 44) The complainant was told to redirect the request to the School
- 45) The complainant was asked what 'Action Plan' he referred to
- 46) The complainant was referred to the two RES Annual Reports provided, and informed the cost of retrieving any others from archives would exceed the appropriate limit. A 2008 Cabinet Declaration Report on the Council's Equality Standard for Local Government level, and a report of the Assistant Chief Executive entitled 'Achieving Level 3 of the Equality Standard' were also provided.
- 47) The complainant was referred to the response to question 47
- 48) The Council stated that this point was 'not clear'.
- 49) The Council did not provide a response to this question.