

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 May 2012

Public Authority: Blackpool Council
Address: Town Hall
Blackpool
FY1 1NA

Decision (including any steps ordered)

The complainant requested information on the council's costs for outsourcing to either Barristers Chambers or Solicitors at Employment Tribunals for all Council Staff (including Teaching Staff). Any combination of those below, between 1st August 2000 and the 31 October 2010" The council did not initially respond to that request however it did so after the Commissioner's intervention.

The Commissioner's decision is that the council breached the requirements of section 10(1) of the Act in that it did not respond to the complainant complying with the requirements of section 1(1) within 20 working days. Given that the council has now responded however the Commissioner has not ordered any steps within this decision notice.

Request and response

1. On 14 January 2011 the complainant wrote to Blackpool Council and requested information in the following terms:

"I would like to know how much the Council has spent outsourcing to either Barristers Chambers or Solicitors at Employment Tribunals for all Council Staff (including Teaching Staff). Any combination of those below, between 1st August 2000 and the 31 October 2010....."1) For constructive dismissal

2) Unfair dismissal

3) One (or more) of the various discrimination claims and/or under

the Protection from Harassment Act

4) Public Interest Disclosure Act 1998

5) Any other Employment issues, I may have omitted.

Please name the Solicitors/Barristers that the Council have outsourced to: For example, 2010 Number (which is the cost spent) Name (Name of Solicitor/Barrister). Please provide the figures in the following format e.g. 2006 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2007 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2008 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE ; 2010 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE; etc, thus making it easier for one to read and to ensure there is no misunderstandings.

I would request that you include VAT in the figures. Not a before and after VAT, a figure which included total cost including VAT.

Please also send this information as "calendar years" not financial years.

Please note that I do not seek or require any personal information such as names and addresses – only the total figures and name of the law firms whom the Council outsourced too."

2. The complainant wrote again the next day clarifying her request as she has submitted it via a website form and was concerned that some elements had not been correctly recorded.
3. The council responded on 17 January 2011 acknowledging receipt of the request.
4. The complainant wrote to the council again on 21 March 2011 asking the council to review its position as it had again failed to respond to her request within 20 working days. The council acknowledged receipt of that email the next day.
5. There was then no further correspondence on this issue for numerous months. On 21 January 2012 the complainant wrote back to the council asking it to explain why it had failed to respond to her request. The council acknowledged receipt of that email on 23 January 2012.
6. On 5 February 2012 the complainant wrote back to the council asking it to review its position as the council had still failed to respond to her request and her subsequent complaint. The council responded the next

day, stating that the complaint had been forwarded to the freedom of information officer.

7. The complainant wrote again warning that the council was failing to adhere to its legal obligations on 8 February 2011.
8. The Commissioner wrote to the council on 15 February 2012 stating that a complaint had been received that the council had not responded to the request.
9. The council then responded provided a formal refusal notice to the complainant on 19 April 2012. It refused the information on the grounds that section 12 applied; that responding to the request would exceed the appropriate limit.

Scope of the case

10. The complainant contacted the Commissioner on 17 January 2012 to complain about the way her request for information had been handled. Her complaint was that the council had not responded to her request.
11. The Commissioner has therefore limited his considerations as to whether the council had complied with its obligations in providing its initial response to the complainant's request. He has not considered whether the council was correct to apply section 12 to the request within this decision notice.

Reasons for decision

12. Section 10 (1) of the Act states that

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

13. The complainant made her request for information on 14 January 2011.
14. The council did not provide its formal response, complying with the obligation to respond by providing the information or issuing a refusal notice to the complainant until 19 April 2012.
15. The Commissioner therefore recognises that the council's response fell outside of the 20 working day period. It was therefore a breach of section 10(1) of the Act.

16. The Commissioner notes however that as the council has now issued its response to the complainant there is now no purpose in ordering it to take steps to respond to the complainant. He has not therefore included any steps within this decision notice.

Right of appeal

17. 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: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

18. 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.
19. 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

Andrew White
Group Manager
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