

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 September 2012

Public Authority: Department of Work and Pensions
Address: IGS Directorate
The Adelphi
1-11 John Adam Street
London WC2N 6HT

Decision (including any steps ordered)

The complainant submitted a request to the Department of Work and Pensions ("the DWP") under the Freedom of Information Act 2000 ("FOIA") for information about the DWP's policy regarding mandatory work experience schemes. The Commissioner has investigated the complaint and finds that the DWP failed to provide the complainant with the information he requested or to issue a valid refusal notice within the statutory timeframe of 20 working days as set out in section 10(1) of FOIA. The DWP was in breach of its procedural obligations under FOIA. However, since the requested information has now been provided to the complainant, the Commissioner requires no steps to be taken.

Request and response

1. On 5 March 2012, the complainant wrote to the DWP and requested information in the following terms:

"On the Centre for Economic and Social Inclusion website page <http://www.cesi.org.uk/keypolicy/governm...> it states that the length of any Mandatory Work placement on the Work Programme is limited to 4 weeks, to quote:

Government work experience schemes: what are the differences?

Title: Work Programme (if referred to work experience)

Normal eligibility: Participation in Work Programme

Length of place: Up to four weeks"

<http://www.cesi.org.uk/keypolicy/governm...>

Please provide the information you hold that says mandatory work experience on the work programme is limited to a maximum of four weeks?"

2. The complainant again wrote to the DWP on 3 April and 24 April 2012 as it had not responded to his request for information. The DWP responded on 1 May 2012 providing the requested information and apologising for the delay in doing so.

Scope of the case

3. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
4. The Commissioner has considered the DWP's handling of the complainant's request.

Reasons for decision

Section 10(1): Time for compliance

5. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
6. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
7. The Commissioner notes that the complainant's request for information was made on 5 March 2012; however he did not receive the information, or a valid refusal notice, until 1 May 2012. From the information provided to the Commissioner in this case it is evident that the DWP did not respond to the complainant under FOIA within the statutory time frame and therefore it breached section 10(1) of FOIA.

Right of appeal

8. 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

9. 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.
10. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF