

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 September 2014

Public Authority: Wigan Metropolitan Borough Council

Address: Town Hall, Library Street
Wigan
Lancashire, WN1 1YN

Decision (including any steps ordered)

1. The complainant has requested information relating communications about 'Scot House'.
2. The Commissioner's decision is that Wigan Metropolitan Borough Council, by its failure to provide a substantive response to a request for information, has breached section 10(1) of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a response to her request which complies with the requirements of section 1(1) of the Freedom of Information Act 2000, or issue a valid refusal notice.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 26 February 2014, the complainant wrote to the Wigan Metropolitan Borough Council (WMBC) and requested information in the following terms:

"I ask if you would kindly look for communications, referring to oneself or Scot House listed below are some categories you may find helpful to consider, if you hold any documentation, agendas, minutes reports, monthly inspection write ups, material between oneself and area social work teams, residential, field and senior managers meetings, heads of homes meetings, proposals made to council committees, sub-committees, mp, training section, finance dep. Personnel, policies reflecting change, re organisation effecting working practices, the courses of practices undertaken by this department with outside agencies at all levels and areas of seniority. Any requirements, decisions requested of them or any other department of them by council.

Finally was there any policy referring to employees undertaking other activities or courses of interest in their own private time."

6. Following a telephone call, WMBC wrote to the complainant on 29 April 2014 seeking clarification of the information requested. From the information received it is unclear what, if any further response was provided to the complainant.
7. On 20 June 2014 the complainant wrote to WMBC again and made the following request:
 - a) *What was the authorities policy in respect of their employees enhancing a qualification in their private time?*
 - b) *Did the authority recognise the enhancement of a qualification?*
 - c) *Were pay scales related to level of qualification?*
 - d) *In my case I was seeking to advance my social work Certificate in the Residential Care of Children and Young People, having qualified in 1974 to become equal to that of a CQSW holder as this certificate had become the fundamental qualification to practice social work at all levels. [A requirement which had been set by the Central Training Council to standardise training and social work practice.]*
 - e) *What was the authorities policy in enhancement standards?*
 - f) *Who had the authority to accept or reject unpaid leave of absence?*
 - g) *What was the criteria for granting or rejecting leave of absence?*

Scope of the case

8. The complainant contacted the Commissioner on 18 August 2014 to complain that WMBC had not responded her requests for information dated 26 February 2014 and 20 June 2014.

9. The Commissioner considers the scope of this case to be to determine if WMBC has complied with its obligations under the FOIA.

Reasons for decision

Section 1 – General right of access

10. Section 1 of the FOIA 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 10(1) – Time for compliance

11. Section 10(1) of the FOIA requires that an information request should be responded to within 20 working days following the date of receipt. In this case the complainant submitted a complaint to the Commissioner alleging that no response had been provided.
12. The Commissioner subsequently contacted WMBC by telephone on 2 September 2014 to advise that a complaint had been received and to try and determine if any further response had been provided. However, to date there has been no confirmation from WMBC that a response has been provided.
13. The Commissioner must therefore conclude that WMBC has breached section 10 of the FOIA by failing to respond to the complainant's requests.

Right of appeal

14. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Pamela Clements
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