

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2015

Public Authority: Darlington Borough Council

Address: Town Hall
Feethams
Darlington
County Durham
DL1 5QT

Decision (including any steps ordered)

1. The complainant has made a request to Darlington Borough Council ("the council") for information relating to Stage 2 complaints. The council responded outside the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the council has breached the requirement of section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 25 June 2014, the complainant wrote to the council and requested the following:

"The following questions relate to when a tax payer is dissatisfied and complains to DBC at stage 2 level.

DBC have recently been using outside "Independent" Investigating Officers (IO's) who come with an "Independent Person" (IP's) I would like the following answers under FoI in relation to the above IO's and IP's.

A, Please provide a list of all outside companys DBC use to employ IP/IO's to include all contact details?

B, Is there a set fee per complaint and if so how much is that, if not the hourly rate they bill DBC at?

C, How many times has DBC used outside agencies for this role in 2013 and to date in 2014? (broken down by year)?

D, I personally have had [redacted number] of these interventions this year could I have a break down (including all contact details)of companys used and the broken down by ammount you have paid in each of my [redacted number] individual complaints?(if any have not been invoiced fully yet an up to date estimate will suffice for the unfinished ones).

E, Could I have a copy of all guidelines and working practices that are to be followed when using such "Independant" agencies to include any control DBC as a corporate body over the role of these supposedly "Independant" people?

F, Could I also have a copy of the compalints process if I wish to complain about a specific set of IO/IP's?

G, Please could I have copies of any policy/s (including its previous version to compare with) that DBC has changed as a result of having complaints "Upheld" against them since Jan 2013 by these "Independant" investigators?"

5. The council provided a substantive response on 20 August 2014.

Scope of the case

6. The complainant contacted the Commissioner on 28 November 2014 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case is the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must issue substantive response within the time for compliance, which is 20 working days following the date on which the request is received.

9. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

Right of appeal

10. 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

11. 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.
12. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF