

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 2017

Public Authority: Leicester City Council
Address: City Hall
115 Charles Street
Leicester
LE1 1FZ

Decision (including any steps ordered)

1. The complainant requested information relating to the withdrawal of services by Leicester City Council to Academy schools. The Council disclosed information in response. The complainant contests that the Council holds more information that it has supplied.
2. The Commissioner's decision is that on the balance of probabilities the Council has disclosed all the relevant information it holds.
3. The Commissioner does not require the Council to take any further steps.

Request and response

4. On 25 January 2017 the complainant wrote to Leicester City Council and requested information in the following terms:

"...all recorded information pertaining to the decision, by Leicester City Council, to 'exit from providing academies with Payroll, HR Administration and DBS service'. This Freedom of Information Request seeks all minutes, notes, emails and memos relating to the decision along with copies of all received consultation responses. It also requests all financial information relating to the decision."

5. Leicester City Council responded on 20 February 2017. It provided a template of the letter sent to Academies notifying them of the withdrawal of the above services, along with two emails about sending the letter out.
6. Following an internal review Leicester City Council wrote to the complainant on 21 March 2017. It stated that having reviewed the original information sent and made further enquiries, it had provided all the information held relevant to the request.

Scope of the case

7. The complainant contacted the Commissioner on 22 March 2017 to complain about the way his request for information had been handled. In particular, the complainant did not think that the information supplied covered the decision-making process to withdraw Payroll, HR Administration and DBS checks from Academies and any associated documents, namely minutes of meetings, emails and memos. The complainant considered there was more information held within the scope of his request than had been supplied by the Council.
8. The Commissioner considers the scope of this case to be whether the Council holds the information requested under FOIA and whether it has complied with its duties under section 1 of the FOIA

Reasons for decision

9. Section 1(1)(a) of the FOIA requires that a public authority in receipt of a request for information must confirm or deny whether holds the information specific in the request. To enable it to do this, it must accurately determine whether it holds the requested information.
10. The Council has provided three pieces of information in response to the request. These are: the letter sent out to Academies dated 16 February 2017 notifying them of the withdrawal of Payroll, HR Administration and DBS Services as of 30 June 2017, and two emails dated 14 and 21 December 2016 between officers in the council to agree the content of the letter and whose name it should be sent out in.
11. The Council maintains in its response to the Commissioner that it has undertaken all searches relating to manual or electronic records that are held in relation to the request. The Director of Finance was given the

request by the Council's Information Governance and Risk team, and asked (or delegate to colleagues) to search for any relevant information. The Director complied and provided the Information Governance and Risk team with the letter and two emails for disclosure.

12. Upon further investigation from the Council's Information Governance and Risk Manager, it was confirmed that while some information was recorded, all discussions and decisions about the withdrawal of services to Academies were verbal. As a result it was also confirmed that no minutes of meetings, letters, emails (other than those provided), memoranda or similar were held in respect of the decision.
13. The Council maintains that it operates a robust check and challenge process when complainants seek a review, and in this case the Council's Head of Information Governance and Risk pursued the matter with the Council's Human Resources Pay & Benefits team (a service directly involved in the services being withdrawn from Academies).
14. During the review it was again confirmed that the decision had been verbal and made under the Director of Finance's delegated powers. No further information other than that already supplied had been formally recorded.
15. The Council acknowledges that the complainant expected it to hold more information about the decision-making process to withdraw the services from Academies, but given the delegated powers exercised by the Director of Finance in this matter, it is confident that there is no other relevant recorded information that falls within the scope of the complainant's request.
16. The Commissioner must decide whether, on the balance of probabilities, the Council holds any further information relevant to the complainant's request, which it has not yet disclosed.
17. The Commissioner accepts that the Council undertook appropriate searches of manual and electronic records in relation to this request. The Director of Finance was directly responsible for the actual decision to withdraw services from Academies, as well as the searches undertaken once the request for information was received. In addition, the Information Governance and Risk Manager made additional enquiries with the Human Resources Pay & Benefits team, the Council service directly involved in delivering the services being withdrawn from Academies, to determine if any further relevant information was held.
18. The Commissioner also accepts the Council's explanation about the lack of records held regarding the decision to withdraw services from

Academies: that it was made verbally under the Director of Finance's delegated powers.

19. The Commissioner understands that the complainant reasonably expected there to be further records about the decision to withdraw Payroll, HR Administration and DBS Services from Academies, but having considered the Council's response to our investigations, there is no evidence to indicate that their response to the complainant's FOIA request does not comply with section 1(1).

Right of appeal

20. 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

21. 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.
22. 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