

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 January 2019

Public Authority: Staffordshire County Council
Address: 1 Staffordshire Place
Stafford
ST16 2DH

Decision (including any steps ordered)

1. The complainant has requested information relating to bullying, harassment and discrimination of staff within the Claims Management Regulation Unit.
2. The Commissioner's decision is that Staffordshire County Council ("the Council") has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step 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 19 October 2018, the complainant wrote to the Council and requested information in the following terms:

"Please could you provide me with the following information:

The number of cases in relation to bullying, harassment or/and discrimination of staff within the claims management regulation unit based in Burton upon Trent for the year 2017/18 and 2018/19

The number of these cases that ended up in a tribunal/court action being undertaken

The number of these cases that have been in favour of Staffs County Council

The number of these court cases that have been in favour of the claimant

For those cases in favour of the claimant please provide a breakdown of each award made either outside the process, i.e. settlement, or as a result the action taken.

This request does not require the naming of any claimants or divulging of any Personal information."

6. The Council responded the same day and acknowledged receipt of the request.
7. On 22 October 2018, the Council wrote to the complainant and confirmed her request had been forwarded to the Access Team to respond.
8. The complainant wrote to the Council on 19 November 2018 to request an update on her request.

Scope of the case

9. The complainant contacted the Commissioner on 20 November 2018 to complain about the Council's failure to respond to her information request.

10. On 4 December 2018 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. Despite this intervention the Council has failed to respond to the complainant.

Reasons for decision

12. Section 1(1) of the FOIA states 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."*

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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

16. 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.
17. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF