

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 August 2022

Public Authority: Oxford City Council
Address: Town Hall
St. Aldate's
Oxford
OX1 1BX

Decision (including any steps ordered)

1. The complainant requested information about sickness absence at the Oxford City Council. By the date of this notice Oxford City Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of 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 provide a substantive response to the request in accordance with its obligations under 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 May 2022, following a response from the Council to a related request, the complainant wrote to the Council and requested information in the following terms:

"1. Please provide the number of Oxford Direct Services employees with an Oxford Factor greater than 100. What is that number as a total percentage of the workforce?

2. I can see no justification that there has been any improvement in sickness absence rate from the statistics and in the manner that they have been presented. I would therefore be grateful if you would update the information as follows so that an objective evaluation can be made:

(a) Please provide the number of sick days taken by Oxford Direct Services employees every month between financial years April 2018 to April 2022. For each month please also express the total sickness absence rate as a percentage of total ODS workforce (do not include contractors or third part employees).

(b) Please provide the monthly and total cost for sickness absence for Oxford Direct Services employees for financial year between April 2018 to April 2022"

6. The Council did not acknowledge the request. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 21 July 2022 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of 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."

10. 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".
11. On 27 July 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the Council has failed to respond to the complainant.
13. 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 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 FOIA.

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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.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

Claire Churchill
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