

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 August 2022

Public Authority: Stevenage Borough Council
Address: Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN

Decision (including any steps ordered)

1. The complainant requested information regarding the number of concerns that have been raised with the council by whistle-blowers.
2. The Commissioner's decision is that Stevenage Borough Council (the Council) failed to provide a valid response to the request within the statutory time frame of 20 working days and therefore breached section 10 (time for compliance with the request) of FOIA.
3. The Commissioner is satisfied that the request has now been responded to.
4. The Commissioner does not require the Council to take any further steps.

Request and response

5. On 19 May 2022, the complainant wrote to the Council and requested information in the following terms:

"Please provide me with a copy of the following information:

- 1) The number of concerns that have been raised with the council by whistleblowers during the past 3 calendar years.

For clarity, I am interested in concerns raised by employees, members, agency staff or third party contractors.

I would like this information broken down by calendar year if possible, but a breakdown by financial year would also be acceptable.”

6. The Council acknowledged the request on 19 May 2022.
7. The Council responded to the complainant on 23 May 2022 and asked the complainant to submit their information request through a link to a complaint form that they provided.
8. On 23 May 2022 the complainant responded to the Council and explained that under Section 8 FOIA they are not obliged to submit their information request via a specific complaint form.
9. The Council’s Freedom of Information team responded on 16 June 2022 and provided a reference number for the information request.
10. The complainant chased the Council on several occasions for their response.
11. The Council issued their response on 28 June 2022.

Scope of the case

12. The complainant contacted the Commissioner on 27 July 2022 to complain about the way their information request had been handled.
13. The Complainant raised concerns regarding the way the complaint had been handled by the Council, specifically the timeliness of their response.
14. The Commissioner considers the scope of the case of his investigation to be to determine if the trust complied with section 10 FOIA.

Reasons for decision

15. 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.”

16. Section 10(1) of 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".
17. The Council failed to provided the complainant with the requested information by the 20 working day deadline and instead provided the complainant with a substantive response on 28 June 2022.
18. 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.
19. The Commissioner also reminds the Council that it cannot specify that requests are submitted via a specific complaint form.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
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Wycliffe House
Water Lane
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