



Freedom of Information Act 2000 (Section 50)

Decision Notice

1 August 2006

Public Authority: Child Support Agency
(an executive agency of) Department for Work and Pensions

Address: Richmond House
Whitehall
London
SW1A 2NS

Summary Decision

The public authority provided all the information it holds in response to the request and therefore complied with section 1 of the Freedom of Information Act. However, the public authority did not provide this information within the statutory response time and therefore did not comply with section 10 of the Freedom of Information Act.

The Commissioner does not require the public authority to take any further action.

The Commissioner's Role

1. The Commissioner's role is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 ('the Act'). This Notice sets out his decision.

The Request

2. The complainant requested information from the public authority on 31 July 2005 containing the following three elements:
- 1) how many consolatory payments have been made since 1993
 - 2) the average payment made, and
 - 3) how many claims lodged with the Agency are still awaiting action



3. The public authority responded on 30 November 2005 providing some information in response to the request. The public authority stated that it could not provide sufficiently robust data before 1 December 2001.
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The Investigation

Scope of the case

4. On 6 January 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant informed the Commissioner that he did not believe the Freedom of Information Act had been applied correctly and asked the Commissioner to make a decision. The Commissioner understood the basis of the complaint to be the following:
 - the public authority did not provide all the information it holds in response to the request.

Chronology of the case

5. The Commissioner contacted Dave Pearson of the public authority by telephone on 17 January 2006 and by letter on 18 January 2006 requesting that the complainant be provided with a clearer explanation as to why it did not hold the information. The public authority sent such an explanation to the complainant on 30 January 2006. Following this, the Commissioner wrote to the complainant on 6 February 2006 asking the complainant to specify whether there were any further aspects of non-compliance with the Act.

Findings of the case

A) Provision of information

Element 1 of the request

6. The public authority has stated that it cannot provide the number of consolatory payments and has instead provided the number of components making up a consolatory award. The public authority informed the Commissioner that the teams who deal with claims for financial redress (separated into two broad headings of compensatory and consolatory claims) focus on particular components. The computer system supports this work and so the system can be searched for the number of components. There are three separate components



that could constitute an award for a consolatory payment: gross embarrassment, gross inconvenience and severe distress. One claim could include all three of these components and each component would be recorded separately on the system. As such, the number of consolatory components does not equal the number of consolatory claims. As the computer system does not separately record each claim, which could include any potential number of components, the only information that can be provided is the number of consolatory components. The Commissioner is satisfied that the public authority has provided all the information it holds in response to element 1 of the request.

Elements 2 and 3 of the request

7. Given the explanation provided by the public authority in relation to element 1 of the request, the Commissioner accepts that there is no further information to be provided in response to elements 2 and 3 of the request.

B) 20 working day response limit

8. Whilst the complaint did not specifically address the time taken by the public authority to respond to the request, the Commissioner considers that it would be useful to assess this aspect. The complainant requested the information on 31 July 2005 and the public authority did not provide the information until 30 November 2005. The public authority apologised to the complainant for this delay in its response of 30 November.

Procedural breaches

9. The Commissioner is satisfied that the public authority has provided the complainant with all the information it holds in response to the request. As such, the public authority has complied with section 1 (1) of the Freedom of Information Act (the Act).

Section 1 (1) states:

“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. The public authority has exceeded the twenty working day limit for responding to a request. As such, the public authority has not complied with section 10 (1) of the Freedom of Information Act (the Act).

Section 10 (1) states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

The Decision

11. The Commissioner's decision is that the public authority did deal with some areas of the request for information in accordance with the Act, but failed to deal correctly with others.

Steps Required

12. The Commissioner requires no steps to be taken.

Right of Appeal

13. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 1st day of August 2006

Reference: FS50101916



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Signed

Phil Boyd
Assistant Commissioner

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