

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 May 2012

Public Authority: Wigan Borough Council
Address: Town Hall
Library Street
Wigan
WN1 1YN

Decision (including any steps ordered)

1. The complainant has requested information about various costs to Wigan Borough Council. The council responded, indicating that the cost of complying with the request would exceed the statutory limit of 18 hours, and refusing the request on the grounds of the provisions of section 12 of FOIA. The complainant submitted a refined request on 28 June 2011, to which he has not received a response.
2. The Commissioner's decision is that, by its failure to provide a substantive response to a request for information, Wigan Borough Council has breached section 10(1) of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a response to his request which complies with the requirements of section 1(1) of the Freedom of Information Act 2000, or issue a valid refusal notice.
4. The public authority must take these steps 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 4 April 2011, the complainant wrote to Wigan Borough Council (the council) and requested information about the costs to the Wigan council tax payer in respect of various specified actions. This request was refused on the grounds of cost, on 27 June 2011. Advice and assistance was provided to the complainant on 28 June 2011 suggesting possible ways in which his request might be refined. On 28 June 2011 the complainant submitted a refined request in the following terms:

"Thank you for your response, now it seems we can make progress.

Social worker costs:

All home visits

Attending conferences

Attending core groups and writing up minutes.

Undertaking and completion of risk assessments by case social worker

Strategy discussions (with police) and case management meetings.

As you have stated, court costs can be calculated.

Costs in denying material: Costs incurred by complaints dept to date.

Sundry items: Costs relating to parenting assessments. Overtime expenditure for 1 no out of hours home visit for 2 no social workers (13/05/09).

I feel 18 hrs more than adequate to collate this information."

6. The council acknowledged this request, asking the complainant to confirm that he wished it to proceed with the request rather than conduct an internal review [of his initial request]. The complainant confirmed that he did not want an internal review but wanted the information he had requested.
7. Apart from two automated (out of office) responses to the complainant's subsequent chasing emails, no further response was received to the complainant's correspondence in this matter.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He complained that he had not received any response to his request.

Reasons for decision

General Right of Access

Section 1(1) provides 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."

Time for Compliance

Section 10(1) provides that –

"Subject to subsections (2) and (3), 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."

9. The Commissioner contacted Wigan Borough Council to enquire about its handling of this request. It confirmed that no response to this request has been sent.
10. The Commissioner is therefore satisfied that, at the time of writing, Wigan Borough Council has not provided the complainant with a response to his request. This is a breach of the requirements of section 10(1) which requires a response to be provided within 20 working days.

Right of appeal

11. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. 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.
13. 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
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