

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 January 2014

Public Authority: Wigan Metropolitan Borough Council

Address: Town Hall
Library Street
Wigan
Lancashire
WN1 1YN

Decision (including any steps ordered)

1. The complainant has requested various information about a 'compensations scheme' from Wigan Metropolitan Borough Council ("the council"). The council has not responded to the request.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA by failing to respond to the request within 20 working days.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with its obligations under the FOIA.
4. The council 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 5 June 2013, the complainant wrote to the council and requested the following information:

*"Any training manuals regarding the compensations scheme.
Any charter or guidance used by staff for the scheme.*

*Statistical data for successful and non-successful applicants.
Any statutes that relate or limit to how this scheme functions.
A copy of any internal policies that affect this scheme.
Any court orders that have placed liability on the council."*

6. The council did not provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 9 August 2013 to complain that his request for information had not been responded to.
8. The Commissioner contacted the council on 30 August 2013 and requested that a response to the request be provided within 10 working days.
9. The complainant subsequently informed the Commissioner on 13 September 2013 that he had not received a response.

Reasons for decision

10. Section 10 of the FOIA requires that an information request should be responded to within 20 working days following the date of receipt. In this case the complainant submitted a complaint to the Commissioner alleging that no response had been provided. The Commissioner subsequently contacted the council by email on 30 August 2013 and 24 September 2013 to advise that a complaint had been received on that basis. However, to date there has been no confirmation from the council that a response has been provided.
11. The Commissioner must therefore conclude that the council has breached section 10 of the FOIA by failing to respond to the complainant's request.

Right of appeal

12. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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
Group Manager – Complaints Resolution
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Wilmslow
Cheshire
SK9 5AF