

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 August 2014

Public Authority: Yaxley Parish Council
Address: Amenity Centre
Main Street
Yaxley
Peterborough
PE7 3LU

Decision (including any steps ordered)

1. The complainant has requested the council to disclose information relating to the grievance procedures it has in place. Despite several reminders and the Commissioner writing to the council on 14 July 2014, the council has to date failed to issue a full and detailed response in accordance with the FOIA. The Act requires a public authority to respond to an information request within 20 working days of its receipt. As the council has still not responded, the Commissioner has found the council in breach of section 10 of the FOIA.
2. The Commissioner requires the council to take the following steps to ensure compliance with the legislation:
 - The council should respond to the complainant's request of 12 May 2014 in full and in accordance with the FOIA.
3. 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

4. On 12 May 2014, the complainant wrote to the council and requested information in the following terms:

"I wish to receive information relating to the following requests:

1. Details of your grievance procedure for employees.
 2. Details of any grievance that has taken place in the last 12 months including details of how the process was followed within your grievance procedure guidelines.
 3. Details of the outcome of any grievance procedures.
 4. Confirmation that the process was followed as outlined in your grievance procedures.
 5. Flowcharts and time scales of any grievance procedures that have taken place."
5. The complainant sent a further letter to the council on 19 June 2014 chasing a response to his information request of 12 May 2014. He also forwarded a complaint to the Commissioner.
6. The council responded on 24 June 2014. It stated that acknowledged the complainant's information request and confirmed that the parish clerk has tried to contact in. The response also provided a copy of the council's handbook in response to question 1 but failed to address any of the complainant's other requests.
7. The complainant wrote to the council on 2 July 2014. He stated that he had not received any response to the questions he asked on 12 May 2014 and would now be waiting for the Commissioner to intervene.
8. The Commissioner wrote to the council on 14 July 2014 requesting a full response in accordance with the FOIA is issued to the complainant within 10 working days.
9. The complainant contacted the Commissioner by telephone on 29 July 2014 to state that he had not to date received any response from the council and the 10 working days permitted by the Commissioner had now expired.

Scope of the case

10. The complainant is dissatisfied that he has not to date received a full and detailed response from the council in accordance with the FOIA to his information request of 12 May 2014. He confirmed that he did receive a copy of the council's handbook but he had not received any of the other information he had requested.
11. The complainant is also unhappy that the council has failed to comply with section 10 of the FOIA and has made no attempt to respond to the Commissioner's latest correspondence of 14 July 2014 within the timeframe he had set.

Reasons for decision

12. Section 10 of the FOIA states that subject to subsections (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt.
13. Section (1) 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
14. (b) if that is the case, to have that information communicated to him.
15. The complainant submitted an information request to the council on 12 May 2014. As the council has to the date of this notice failed to issue a full and detailed response in accordance with the FOIA within 20 working days of his request, the Commissioner has found the council in breach of section 10 of the Act.

Right of appeal

16. 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

17. 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.
18. 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

Rachael Cragg
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Wilmslow
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SK9 5AF