

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2016

Public Authority: Cheshire East Council
Address: 1st Floor Westfields
c/o Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Decision (including any steps ordered)

1. The complainant requested information with regards to complaints about harassment and bullying. Cheshire East Council (the council) provided a response, but provided it outside the required 20 working day response time following the receipt of the request.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA.
3. As the council has now provided its response, the Commissioner does not require it to take any steps.

Request and response

4. On 19 August 2015, the complainant made the following request to the council:

"1) How many employees of Cheshire East Council have made an official complaint of harassment and bullying at work since Cheshire East Council's inception?"

2) How many of these complaints were upheld in favour of the complainant?"

3) How many of those which were not upheld in favour of the complainant went on to Appeal?"

4) How many of those that went to Appeal were found to

favour the complainant?

5) How many complainants went on to Constructively Dismiss themselves and take the council to an Employment Tribunal?

6) How many of these were found to uphold the complaint?"

5. The council acknowledged receipt of the request on the 19 August 2015 stating that a response is due by the 17 September 2015.
6. The complainant contacted the council on the 18 September 2015 as he had not received a response to his request. He also contacted the Commissioner on the same day to complain that no response has been received.
7. The council then provided its response on the 29 September 2015. The complainant requested an internal review on the same day as he was not satisfied with the time the council took to provide a response.
8. The council issued its internal review response on the 15 October 2015 acknowledging that the response was outside the 20 working days and apologised explaining that it took a long time to collate the information requested due to the way the information was stored.

Scope of the case

9. The complainant is not satisfied that with the time it took the council to provide a response to his request.
10. The Commissioner considers the scope of the request is to determine whether the council breached section 10(1) of the FOIA.

Reasons for decision

Section 10(1) of the FOIA

11. Section 10(1) of the FOIA states that a public authority has 20 working days to respond to an information request following its receipt.
12. The request was made on the 19 August 2015 and the response was not provided by the council until the 29 September 2015. This being almost two weeks after the response due date. Therefore the Commissioner finds that the council has breached section 10(1) of the FOIA

Right of appeal

13. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

14. 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.
15. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF