

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 September 2021

Public Authority: Reading Borough Council
Address: Civic Offices
Bridge Street
Reading
RG1 2LU

Decision (including any steps ordered)

1. The complainant has requested information regarding zero hours contracts.
2. Reading Brough Council initially refused the request on the basis of section 14. This position was revised during the course of the investigation and the information was provided.
3. The Commissioner's decision is that Reading Borough Council failed to respond to the request for information within 20 working days and has therefore breached section 10 of the FOIA.
4. The Commissioner does not require any steps as the information has been provided.

Request and response

5. On 26 October 2020 the complainant wrote to Reading Borough Council ("the council") and requested information in the following terms (the tables that were included in the original request have been removed for this summary):
 1. *"Does the authority have any workers on zero hour contracts? if no – the additional questions are not relevant,*
 2. *What is the identity and function of each cost centre utilising a zero contract hour worker (for example: Streetcare - maintaining highways "hygeine")*
 3. *For each year ending 31/3/2015 (or 31/12/2014) and subsequent years to 31/3/2019 (or 31/12.2019):*
 - 3.1 *by cost centre , the total number of zero_hour supervisors*
 - 3.2 *by cost centre, by age band what is the total number of workers*
 - 3.3 *by cost centre by age band how many zero_hour are paid less than the National living/minimum wage (lower of the amount by age_band for the year*
 - 3.4 *by cost centre, by age band what is the total number of zero_hour by hour range*
 - 3.5 *by cost centre, by year, by age band how many zero_hour days are provided*
 - 3.6 *by cost centre, by year, by age band"*
6. The council responded on 6 November 2020. It refused the request on the basis of section 14(1) (vexatious requests).
7. The complainant requested an internal review on 6 November 2020.
8. The council responded on the 9 November 2020. It advised the complainant to contact the Information Commissioner and did not carry out a review.
9. On 21 September 2021, during the course of the Commissioner's investigation, the council changed it's response. It provided the following response to the request: *"There are no members of RBC staff*

on a zero-hours contract. As regards point 2 and 3, these questions are irrelevant following the response to point 1."

Scope of the case

10. The complainant contacted the Commissioner on 10 November 2020 to complain about the way the request for information had been handled. The complainant accepted the updated response from the council however remained dissatisfied with the original application of section 14(1) and the time taken to provide the final response.
11. During a complaint investigation, the Commissioner will invite public authorities to review their position on a request. Decisions made by the Commissioner are based upon the final response that is given to a request. As the complainant has accepted the final response provided by the council, the Commissioner can only consider whether the council has failed to respond within the statutory time limits.
12. The scope of the case is to decide whether the council has breached section 10 by failing to respond to the request within the statutory time limit.

Reasons for decision

13. Section 1(1) (general right of access to information held by public authorities) 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*
 - (b) if that is the case, to have that information communicated to them."*
14. Section 10 (time for compliance with the request) states that:

"...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."
15. Whilst the council has provided the complainant with the information it holds that was within the scope of the request, it did so 11 months after the request was made.

16. This is outside of the statutory 20 working days, therefore the council breached section 10 of FOIA.
17. No further action is required as the information has been provided.

Right of appeal

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

19. 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.
20. 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

Janet Wyles
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF