

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 May 2013

Public Authority: Wirral MBC
Address: Municipal Building
Cleveland Street
Birkenhead
Merseyside
CH41 6BU

Decision (including any steps ordered)

1. The complainant has requested information from Wirral MBC (council) in relation to disciplinary sanctions against managers resulting in grievances taken out by staff for bullying and harassment at the council.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA in regards to this information request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the information request.
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 17 July 2012, the complainant wrote to the council and requested information in the following terms:

"Please disclose the number of disciplinary sanctions against managers resulting from grievances taken out by staff for bullying and harassment since your records began. Please state:

- 1, the upheld complaint*
- 2, the exact disciplinary sanction e.g. verbal, written warning or dismissal*
- 3, the year(s)"*

6. The council has failed to respond to this information request.

Scope of the case

7. The complainant contacted the Commissioner 17 October 2012 to complain about the council as it failed to respond to the information request.
8. The Commissioner has contacted the council on the 11 December 2012 and 10 January 2013 and the complainant has advised that the council have still not responded to the information request.
9. The Commissioner considers that the council has breached section 10(1) of the FOIA as it has failed to respond to the complainant's information request.

Reasons for decision

10. Section 10 of FOIA states that an information request should be responded to within 20 working days following the receipt. In this case the council have failed to respond to the complainant's information request and have therefore breached section 10 of the FOIA.

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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF