

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2012

Public Authority: The Department for Work and Pensions
(‘the DWP’)

Address: 2nd Floor, The Adelphi
11 John Adam Street
London
WC2N 6HT

Decision (including any steps ordered)

1. The complainant made a request for information under FOIA on 1 July 2011. He received no response and referred the case to the Information Commissioner (‘the Commissioner’).
2. After the Commissioner’s intervention, the DWP issued a full response on 19 October 2011. The complainant requested that a decision notice was issued. The Commissioner finds a breach of section 10(1) of FOIA. He requires no remedial steps to be taken in this case.

Request and response

3. In a letter dated 1 July 2011 (marked as received on 4 July 2011), the complainant wrote to the DWP to ask for five items under FOIA:

‘[1] Preston Jobcentre uses the firm, [solicitors’ firm redacted], to send threatening letters to ‘customers’. Who currently at Preston Jobcentre refers ‘customers’ to this legal firm? What were the reasons for the referrals? How much does each referral currently cost?’

[2] How may ‘customers’ were escorted out of Preston Jobcentre between June 2010 and June 2011 by Preston Jobcentre security workers? What were the reasons for the expulsions? What is Preston Jobcentre procedure for organising security worker swarm attacks against a customer?’

[3] Does Preston Jobcentre have a plan for dealing with complaints from 'customers'? If yes, what is it? How many complaints were received between June 2010 and June 2011 from 'customers'? How many of those complaints from 'customers' were dismissed?

[4] How many Preston Jobcentre workers were disciplined or warned for misconduct between June 2010 and June 2011? What were the categories of misconduct in this period? Were any Preston Jobcentre workers dismissed between June 2010 and June 2011?

[5] Do some, or all, of Preston Jobcentre workers use fake names and/or fake name tags? If yes, how many? Does Preston Jobcentre use fake names in written correspondence? What is the Preston Jobcentre procedure for mapping fake names to actual names, where a complaint has been made by a 'customer', and the only identification of the Preston Jobcentre worker known to that 'customer' is a fake name?

4. The DWP did not issue a response in 20 working days and the case was referred to the Information Commissioner (the Commissioner).
5. The Commissioner spoke to the central office at the DWP who could not confirm the receipt of the request. The Commissioner therefore gave the DWP a little further time to issue a compliant response.
6. On 19 October 2011, the DWP issued its response to the complainant. It answered the five questions that were asked.

Scope of the case

7. On 29 June 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. At that stage, his complaint was that he had not received a response.
8. On 12 October 2011, the complainant wrote to the Commissioner to request he received a decision notice about this matter.
9. A response was then provided, and on 17 February 2011, the complainant reiterated that he required a decision notice.
10. The Commissioner has therefore issued a decision notice about the DWP's original failure to respond to the request dated 1 July 2011.

Reasons for decision

11. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information and, if so, to provide it.
12. The request was submitted on 1 July 2011. The DWP's central team confirmed that it could not locate the said request on the telephone on 7 October 2011 and couldn't confirm whether it had received it. The complainant provided the Commissioner with a stamped copy of the same request that indicated that the DWP received it on 4 July 2011. The Commissioner considers therefore that the DWP did receive the request on 4 July 2011.
13. The DWP did not answer the request until 19 October 2011 and so took over 20 working days to answer the request. This is a breach of section 10(1) because the DWP failed to comply with section 1(1) within the statutory time period.
14. The Commissioner has used his discretion to require no remedial steps to be taken in this case, because there are no steps that can remedy the breach that have not already been taken.

Right of appeal

15. 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

16. 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.
17. 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

Pamela Clements
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