

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 24 April 2012

**Public Authority:** Leicester City Council  
**Address:** Marlborough House  
38 Welford Road  
Leicester  
LE2 7AA

#### Decision (including any steps ordered)

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1. The complainant requested information from Leicester City Council ("the council") concerning outsourcing to either Barristers Chambers or solicitors at employment tribunals. The council applied section 12 of the Freedom of Information Act 2000 ("the FOIA") to the original request (an exclusion relating to costs). When a refined request was made, the council did not supply the requested information within 20 working days.
2. The Commissioner's decision is that the council breached section 10 of the FOIA because it failed to provide the information requested within 20 working days.
3. The Commissioner does not require any steps to be taken.

#### Request and response

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4. On 14 January 2011, the complainant requested information from the council in the following terms:

*"I would like to know how much the Council has spent outsourcing to either Barristers Chambers or Solicitors at Employment Tribunals for all Council Staff (including Teaching Staff). Any combination of those below, between 1<sup>st</sup> August 2000 and 31 October 2010:*

- 1) *For constructive dismissal*

- 2) *Unfair dismissal*
- 3) *One (or more) of the various discrimination claims and/or under the Protection from Harassment Act*
- 4) *Public Interest Disclosure Act 1998*
- 5) *Any other Employment issues, I may have omitted.*

*Please name the Solicitors/Barristers that the Council have outsourced to: For example, 2010 Number (which is the cost spent)*

*Name (Name of Solicitor/Barrister). Please provide the figures in the following format e.g. 2006 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2007 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2008 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE; 2010 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE; etc, thus making it easier for one to read and to ensure there is no misunderstandings.*

*I would request that you include VAT in the figures. Not before and after VAT, a figure which included total cost including VAT.*

*Please also send this information as "calendar years" not financial years".*

5. The council responded on 15 February 2011. It said that it had estimated that responding to the request would exceed the "appropriate limit" under section 12 of the FOIA. It invited the complainant to consider narrowing the scope of the request.
6. The complainant responded on 21 March 2011 and she asked the council to provide whatever information it could.
7. When no response was received, the complainant emailed the council again on 21 January 2012.
8. The council responded on 23 January 2012 because it had received an alert that new correspondence had been added to the What Do They Know website (the council had recently registered for such alerts). It said that it had not received the correspondence sent by the complainant via the What Do They Know website and this is why it had not responded. Later the same day, the council wrote to say that it had realised that the latest correspondence had been forwarded by What Do They Know to a small administration team in another part of the council. The council said that this email address is not the one that had been registered with the website and the correspondence should not have been forwarded there.

9. The council wrote to the complainant the next day, asking whether she could provide clarification to help the council to respond to the request.
10. The complainant wrote to the council on 5 February 2012 and expressed dissatisfaction with the application of section 12 to her request.
11. On 6 February 2012, the council replied and explained that it wished to maintain its position in relation to section 12. It reiterated that it could provide information about 18 files but would need clarification to help it to narrow down which files would be of most interest.
12. The complainant replied on 8 February 2012. The complainant asked the council to start from 2010 and work backwards.
13. The council sought some further clarification on 17 February 2012 and the complainant responded on 21 February 2012.
14. The council supplied the requested information on 21 March 2012.

### **Scope of the case**

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15. The complainant contacted the Commissioner to complain about the way her request for information had been handled. She asked the Commissioner to make a decision in relation to the time that the authority took to respond to the request.

### **Reasons for decision**

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#### **Section 10(1) of the FOIA**

16. Section 10 of the FOIA provides that when a request for information is made, the council must respond within 20 working days.
17. In its initial response to the Commissioner, the council conceded that it responded outside the 20 working day limit and the Commissioner has therefore found a breach of section 10 of the FOIA.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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 .....**

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