

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 April 2014

Public Authority: Northumberland County Council
Address: County Hall
Morpeth
Northumberland
NE61 2EF

Decision (including any steps ordered)

1. The complainant has requested information relating to a decision made by a salary review panel. Northumberland County Council (the Council) agreed to disclose some but not all of the information. Following the Commissioner's involvement, the Council decided to disclose the particular grading scores that were the subject of the complaint. The Commissioner's decision is that, by failing to provide this information within the statutory period of 20 working days, the Council breached section 10(1) of FOIA. However, the Commissioner does not require any steps to be taken as a result of this notice.

Request and response

2. The requests under consideration were originally submitted to the Council on 15 November 2012. However, these were kept in abeyance while the complainant pursued a separate request he had made to the Council. The complainant subsequently wrote to the Council on 1 February 2013 and confirmed that he still required the information specified in his earlier requests, the terms of which are reproduced below:
 - 1) *All the papers considered by, or available to, the panel when determining that the Principal Lawyers should be graded as Band 10,*
 - 2) *This includes the agenda and minutes, including notes made by NCC officers present at the meeting,*

3) Any emails / letter summoning the panel.

3. The Council responded on 27 February 2013 and addressed each of the items in turn. For item 1, it advised that the panel had considered the job description when carrying out its review, attaching a copy. The Council also clarified that this was graded using the Local Government Employers Evaluation Scheme but refused to provide a copy on the basis that it was the intellectual property of the Local Government Association (LGA). In respect of items 2 and 3, the Council confirmed that it did not hold any information covered by the requests.
4. The complainant wrote to the authority again on 12 March 2013 to query whether the Council had identified all of the information held that was relevant to the requests. The Council subsequently carried out an internal review, the outcome of which was provided to the complainant on 11 April 2013. This upheld the Council's original position.
5. At this point the Council and the complainant entered into further correspondence about a number of discrete items relating to the request. Principal of these was the Council's refusal to disclose the actual grading scores for the post in question. It is this issue that prompted the complaint to the Commissioner.

Scope of the case

6. The complainant contacted the Commissioner on 30 October 2013 to complain about the way the Council had handled his information requests. In particular, he asked the Commissioner to consider the Council's failure to provide the grading scores for the Principal Lawyer post.
7. During the course of the Commissioner's investigation the Council decided to disclose the information that formed the subject of the complaint.

Reasons for decision

Section 10(1) – time for compliance

8. Section 10(1) of FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received. Section 1(1) states that a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.

9. In this case the Council disclosed the grading scores outside of the statutory time limit for compliance. The Commissioner has therefore found that the Council breached the requirements of section 10(1) of FOIA.

Right of appeal

10. 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

11. 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.
12. 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

Rachael Cragg
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