

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 May 2015

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Justice (MoJ) relating to incidents in specified prisons over the period 19 December 2014 to 2 January 2015.
2. MoJ failed to respond to this request for information and the Commissioner's decision is that in doing so MoJ breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires MoJ to take the following steps to ensure compliance with the legislation:
 - respond to the 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 20 January 2015, the complainant wrote to MoJ and requested information in the following terms:

"How many assaults were recorded between 19th December 2014-2nd January 2015, at HMYOI Cookham Wood, HMYOI Feltham (A), HMYOI Werrington, HMYOI Wetherby and HMP/YOI Parc (young people's unit), and how many of these assaults resulted in (i) minor

injuries (ii) serious injuries, broken down by establishment.

How many incidents of use of force were recorded between 19th December 2014-2nd January 2015, at HMYOI Cookham Wood, HMYOI Feltham (A), HMYOI Werrington, HMYOI Wetherby and HMP/YOI Parc (young people's unit)

How many adjudications were carried out, or were pending, due to any incident between 19th December 2014-2nd January 2015, at HMYOI Cookham Wood, HMYOI Feltham (A), HMYOI Werrington, HMYOI Wetherby and HMP/YOI Parc (young people's unit)

How many children were placed in segregation between 19th December 2014-2nd January 2015, at HMYOI Cookham Wood, HMYOI Feltham (A), HMYOI Werrington, HMYOI Wetherby and HMP/YOI Parc (young people's unit)".

6. Although acknowledging that the request had been received and was receiving attention, at the time of writing, MoJ had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 22 April 2015 to complain about the way her request for information had been handled.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case MoJ has breached section 10(1) by failing to respond to the request within 20 working days.

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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

Pamela Clements
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SK9 5AF