

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 January 2018

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding contractual agreements and emails between the Home Office and G4S/Serco about people in detention being used as employees.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
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 27 August 2017, the complainant wrote to the Home Office and requested information in the following terms:

"Earlier this year Amber Rudd was questioned in the House of Lords regarding the wages of those held in detention centres of around £1 an hour for cleaning work. At that time, even though Amber Rudd was questioned repeatedly about who benefited, she only replied that those held were the ones who benefitted from that arrangement.

Therefore, my request is as follows:

Please send me all emails and contractual agreements between the Home Office and G4S/Serco regarding the employment and payment of those held in detention centres in the period Jan 2015 - Jan 2017, including:

- Numbers of detainees employed as cleaners by month.*
- Hourly payment to detainees each month.*
- Number of cleaners employed by G4S/Serco who were not detainees.*
- Contractual agreements signed off by the Home Office and G4s/Serco specifically in relation to their use of detainees for employment.*
- Emails between Amber Rudd/her office and G4S and Serco regarding the set-up of a contractual agreement to use detainees as employees."*

6. On the 27 August 2017 the complainant contacted the Home Office again to clarify his request further. He added:

"Apologies, I omitted that my request should also include emails between the previous Home Secretary (Theresa May)/her office and G4S/Serco in relation to my main request."

7. The Home Office acknowledged the request on 29 August 2017 and stated that it aimed to send a full response by 26 September 2017.

8. On the 26 September 2017 the complainant contacted the Home Office to remind them the response was now overdue. On 28 September 2017 the Home Office apologised for the delay and also said that they could not give an exact timescale in which a response would be provided.

Scope of the case

9. The complainant contacted the Commissioner on 19 October 2017 to complain about the way his request for information had been handled.
10. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
11. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

12. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

13. As a response has not yet been provided by the Home Office the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

Right of appeal

14. 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

15. 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.
16. 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

Alun Johnson
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