

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 15 August 2011

**Public Authority:** The London Borough of Redbridge  
**Address:** Town Hall  
PO Box 2  
High Road  
Ilford  
Essex  
IG1 1DD

#### Summary

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The complainant requested relevant recorded information about the ethnic breakdown of teaching staff in schools and the same breakdown for teaching staff in relation to disciplinary matters.

The Council provided the recorded information that it held, but responded late. The complainant asked the Commissioner to issue a formal Decision Notice about the delays he experienced.

The Commissioner finds that the Council breached section 10(1) in its handling of the request. He requires no remedial steps to be taken as the information that it held was provided to the complainant.

#### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

#### The Request

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2. On 3 March 2011 the complainant requested the following information:

*'Under the FOI act I would like to request the following information:*

*(1) the ethnic breakdown for all the teaching staff of all the Redbridge secondary schools for the last 6 academic years.*

*(2) The ethnic breakdown for all teaching staff that have been subject to disciplinary*

*(2a) / capability*

*(2b) procedures over the last 6 academic years and the reasons.*

*(3) The total number of teaching staff for each secondary school for each of the last 6 academic years.*

*(4) The total number of teaching staff for each ethnic group of the teaching staff for each of the last 6 academic years.'*

3. On 27 May 2011 the Council issued a partial response. It explained that it was still in the process of gathering the requested information and provided what it had ('disclosure one'). It apologised for the delays that had been experienced and explained that they were due to technical difficulties. It provided its internal review procedure.
4. On 31 May 2011 the complainant emailed the Council to confirm that he was not happy with the response he had received. He explained that the information was incomplete and the response was late. He expressed concern about the Council not having the information readily available.
5. On 24 June 2011 the Council communicated the results of its internal review. It explained how it had processed the request and provided the information that it held ('disclosure two'). It apologised for the delay that the complainant had experienced.

## **The Investigation**

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### **Scope of the case**

6. On 31 May 2011 the complainant contacted the Commissioner (before the internal review was completed) to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
  - the public authority failed to provide a response in twenty working days; and
  - the information that was provided in the response was not adequate.

7. After he made his complaint, the public authority conducted its internal review, and the relevant recorded information that was held was provided. The complainant spoke to the Commissioner and confirmed that he still wanted a Decision Notice to address the delays that he had experienced. The Commissioner agreed to draft a Decision Notice about those delays.
8. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act. In particular, the Commissioner cannot consider whether the public authority monitors the figures adequately. His only role is to consider what relevant recorded information is held.

### **Chronology**

9. On 13 July 2011 the Commissioner telephoned the public authority to ask whether an internal review had been done or not and to obtain relevant documents. He sent a reminder on 21 July 2011 and received the information on the same day.
10. On 21 July 2011 the Commissioner wrote to the complainant. He provided the complainant with a copy of the internal review response, and explained that the delays had been noted on his system. He advised that he did not consider it was in the public interest to issue a Decision Notice solely about the delay issue.
11. On 22 July 2011 the complainant called the Commissioner. He explained that he remained unhappy with the delays in this case and the Commissioner advised that he would issue a Decision Notice.
12. On 27 July 2011 the Commissioner received confirmation about the scope of the investigation.

### **Analysis**

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#### **Procedural Requirements**

13. As noted above, this Decision Notice is solely concerned with the delays the complainant experienced in this case.

#### **Section 10(1)**

14. Section 10(1) 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.'*

15. Section 1(1)(a) requires that a public authority confirms or denies that it holds information and section 1(1)(b) requires that non-exempt information is provided.
16. In this case, the Council failed to process the request within the 20 days stipulated in section 10(1). Instead it took:
  - 56 working days to issue any response and to make the 'first disclosure' [this was 23 working days from when it acknowledged receiving the request]; and
  - 85 working days to provide the relevant recorded information when making the 'second disclosure' [52 working days from when it acknowledged receiving the request].
17. In failing to process the request in 20 working days, the Council did not comply with section 1(1)(a) (confirmation or denial that it held information) and section 1(1)(b) (the provision of that information) within 20 working days.
18. The Council therefore breached section 10(1) in its handling of the complainant's request.

## **The Decision**

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19. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the Act. It breached section 10(1) because it failed to comply with section 1(1) within 20 working days.

## **Steps Required**

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20. The Commissioner requires no steps to be taken.

## Right of Appeal

21. 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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

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

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

22. 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.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Dated the 15<sup>th</sup> day of August 2011**

**Signed .....**

**Pamela Clements,  
Group Manager, Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

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### General Right of Access

#### Section 1(1) provides that -

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

### Time for Compliance

#### Section 10(1) provides 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'.*