

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2022

Public Authority: Rossendale Borough Council ("the Council")

Address: Haslingden Old Road
Rossendale
BB4 6RE

Decision (including any steps ordered)

1. The complainant requested information from the Council about communications between council staff regarding a complaint and any information on the Council's complaints handling procedure. By the date of this notice the Council had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. The Council 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 10 October 2021, the complainant wrote to the Council and requested information in the following terms:

"I intend to take this to the Local Government Ombudsman; however, in the first instance though I am invoking the Freedom of Information Act to request the following information:

Any information you hold in relation to my complaint, to include, but not limited to (1) your direction to [name redacted] to review my complaint; (2) your direction to [name redacted] to review my complaint; (3) any correspondence between your secretary/personal assistant/staff member acting on your behalf to [name redacted] in relation to why she failed to review my complaint in a timely manner; (4) any paper or electronic notes made by [name redacted] in relation to my complaint; and (5) any arrangements that RBC has made in relation to complaint handling, including first and second stage guidance/procedures."

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 21 December 2021 to complain about the failure by the Council to respond to his request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states 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.

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt."

11. On 12 January 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the Council has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
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