

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2012

Public Authority: Manchester City Council

Address: Town Hall
Albert Square
Manchester
M60 2LA

Decision (including any steps ordered)

1. The complainant requested information from Manchester City Council ("the council") relating to outsourcing to either Barristers Chambers or solicitors at employment tribunals. The council supplied the requested information outside of the 20 working day time frame.
2. The Commissioner's decision is that the council breached section 10 of the Freedom of Information Act 2000 ("the FOIA") because it did not supply the information within 20 working days.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 14 January 2011, the complainant requested information from the council in the following terms:

"I would like to know how much the Council has spent outsourcing to either Barristers Chambers or Solicitors at Employment Tribunals for all Council Staff (including Teaching Staff). Any combination of those below, between 1st August 2000 and 31 October 2010:

- 1) *For constructive dismissal*
- 2) *Unfair dismissal*

- 3) *One (or more) of the various discrimination claims and/or under the Protection from Harassment Act*
- 4) *Public Interest Disclosure Act 1998*
- 5) *Any other Employment issues, I may have omitted.*

Please name the Solicitors/Barristers that the Council have outsourced to: For example, 2010 Number (which is the cost spent)

Name (Name of Solicitor/Barrister). Please provide the figures in the following format e.g. 2006 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2007 – NUMBER HERE AND SOLICITOR OR BARRISTERS NAME HERE; 2008 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE; 2010 – NUMBER HERE AND SOLICITORS OR BARRISTERS NAME HERE; etc, thus making it easier for one to read and to ensure there is no misunderstandings.

I would request that you include VAT in the figures. Not before and after VAT, a figure which included total cost including VAT.

Please also send this information as "calendar years" not financial years".

5. The council acknowledged receipt of the request on 14 January 2011.
6. When no response was received, the complainant wrote to the council on multiple occasions to try to obtain a response.
7. The council responded on 2 March 2012. It apologised for the delay and provided a full response to the request.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way her request for information had been handled. She asked the Commissioner to make a decision in relation to the time taken by the council to respond to her request.

Reasons for decision

Section 10 of the FOIA

9. Section 10 of the FOIA provides that when a request for information is received, a public authority must respond within 20 working days.

10. The council took longer than 20 working days to respond on this occasion and it therefore breached section 10.

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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF