

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 June 2022

Public Authority: Oxford City Council

Address: Town Hall
St Aldate's
Oxford
OX1 1BX

Decision (including any steps ordered)

1. The complainant requested information relating to staff sickness figures. By the date of this notice Oxford City Council ("OCC") had not issued a substantive response to this request.
 2. The Commissioner's decision is that OCC has breached section 10(1) of 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 OCC to take the following step to ensure compliance with the legislation.
 - OCC must provide a substantive response to the request in accordance with its obligations under FOIA.
 4. OCC must take this step 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 FOIA and may be dealt with as a contempt of court.
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Request and response

5. On 31 March 2022, the complainant wrote to OCC and requested information in the following terms:

“Dear Oxford City Council,

For the periods 01 April to 31 March for every year from 2018 to 2022 please provide an anonymised list of the 25 Oxford City Council staff who were off work the longest period of time due to sickness (Staff Member 1,2,3 etc.) Specify the number of working days each of them was off sick and the associated cost of sickness absence.

I am also interested in the job titles of the 25 sick staff. If it is not possible to provide the job titles of each individual anonymised staff member, please provide the information in another way which does not link particular job titles with a specific periods of absence. For example, 5 Human Resources, 7 Housing etc.”

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

Scope of the case

7. The complainant contacted the Commissioner on 4 May 2022 to complain about OCC’s failure to respond to their request.
8. The Commissioner has considered whether OCC has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of 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 16 May 2022 the Commissioner wrote to OCC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention OCC has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that OCC did not deal with the request for information in accordance with FOIA. The Commissioner finds that OCC 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 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

Claire Churchill
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF