

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 April 2017

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information about policies at HMYOI Feltham. By the date of this decision notice the Ministry of Justice ("the MoJ") had not responded substantively to the request.
2. The Commissioner's decision is that by failing to respond to the request within the statutory 20 working day time limit, the MoJ has failed to comply with section 1(1) and section 10(1) of the FOIA.
3. The Commissioner requires the MoJ to take the following steps to ensure compliance with the legislation:
 - issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
4. The MoJ 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 30 September 2016, the complainant wrote to the MoJ and requested information in the following terms:

"I am writing to you under the Freedom of Information Act 2000 to request the following information regarding HMYOI Feltham – A Side.

We would like to request information regarding:

- *Strategic safeguarding children police [sic] including policy documents on:*
 - *Child protection policy*
 - *Policy for violence reduction, anti-bullying and behaviour management*
 - *Information sharing police [sic]*
 - *Staff training strategy setting priorities for training in safeguarding children and providing access to the Juvenile Awareness Staff Programme (JASP), to an Introduction to Safer Custody, to eAsset training and to relevant LSCB and multi-agency training*
 - *Public protection policy setting out the agreement between the establishment, YOT and Police for identifying young people who present a high and very high risk of serious harm to others*
 - *Managing vulnerability policy*
 - *Policy on single unlock*
 - *Any investigation policies".*
6. The MoJ acknowledged receipt of the request on 10 October 2016. The complainant asked for its formal response to the request on 31 October, 7 November, 14 November and 18 November 2016. On 21 November 2016, the MoJ replied, stating that it was still considering the request and would endeavour to respond as soon as it could. On 21 December 2016 it wrote again, stating that the request remained under consideration and that it was unable to give a timescale for response. The complainant heard nothing further.

Scope of the case

7. The complainant contacted the Commissioner on 3 January 2017 to complain about the MoJ's failure to respond to his request.
8. The Commissioner considers the scope of this decision notice to be the MoJ's compliance with the statutory timescales for responding.

Reasons for decision

9. The Commissioner wrote to the MoJ on 16 March 2017, asking it to let her know whether it had complied with the request, and to let her have copies of any response it had sent. She asked the MoJ to reply to her by 23 March 2017. However, the MoJ did not respond to the Commissioner's enquiry, and the complainant has confirmed that he has still not received a response to his request.
10. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*no later than the twentieth working day following the date of receipt*".
12. In this case the MoJ has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Other matters

13. As well as issuing this notice, the Commissioner has made a separate record of the failure by the MoJ to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

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

Samantha Bracegirdle
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SK9 5AF