

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 June 2023

Public Authority: Bradford City Council
Address: City Hall, Centenary Square
Bradford
BD1 1HY

Decision (including any steps ordered)

1. The complainant has requested information relating to Bradford City Council's Human Resources policies. Bradford City Council (the Council) failed to provide the policies and did not cite a relevant exemption.
2. The Commissioner's decision is that the Council's response did not comply with section 1 of the FOIA as it did not confirm or deny whether the information was held.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a fresh response to the complainant's request, either providing the requested information or citing a relevant exemption.
4. The public authority 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 17 January 2023, the complainant wrote to the Council and requested information in the following terms:

"I would like HRs detailed process including timescales for dealing with a gauge/pilat regrade, the detailed process HR should follow when dealing with a gauge/pilat regrade. HRs detailed process including timescales for dealing with a gauge/pilat regrade appeal, the detailed process HR should follow when dealing with a gauge/pilat regrade appeal. If the above has been changed recently I would like the original and the amended and also an explanation of what changes were made and why.

I would like a detailed explanation of what an appellant can expect at a gauge/pilat regrade appeal such as an agenda. I would like a detailed explanation for why HR are so secretive with the agenda and are not providing it to an appellant despite it being requested since November and the appeal is in a week.

What benefit do HR feel there is to themselves by not providing the agenda until hours or days before an appeal, thus ensuring the appellant is unlikely to be fully prepared.

Why is a representative from Gauge/Pilat now attending the appeal meeting for the Council Tax officer regrade."

6. The Council responded on 28 February 2023. It provided responses to some of the questions in the request but none of the requested documents.
7. Following an internal review, the Council wrote to the complainant on 4 April 2023. It stated it had already provided the requested information and could add nothing further.

Reasons for decision

Section 1

8. When a public authority receives a request for information it has two obligations under section 1(1) of FOIA. Firstly it must explicitly confirm or deny whether it holds the information in question. Secondly, if it does hold that information, it must either provide a copy to the requester or issue a refusal notice. If it receives a request that contains multiple elements, its response must be clear about which information it holds and which it does not.
9. This request seeks specific documents, specifying that if HR's policies have changed recently, they should provide both original and amended documents. If it is the case that these are not formal documents, and

the Council's response represents the entirety of the available information, they have not stated this or issued a valid refusal notice.

10. It is not sufficient for the public authority to simply state that it is complying with appropriate guidance to meet its FOIA obligations. It must state whether it holds each piece of information and then either provide that information or explain why it cannot. As the public authority has not done so, it has not complied with section 1(1) of FOIA.
11. Furthermore, the public authority did not respond to the request within twenty working days, and therefore also breached section 10 of FOIA.

Right of appeal

12. 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

13. 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.
14. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF