



**MANCHESTER
CITY COUNCIL**

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Please ask for Ms Treacy

Tel: 0161 234 3339
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Your ref:

Our ref: L/LT

Date: 18 October 2010

Email: l.treacy@manchester.gov.uk

Whatdotheyknow.com

Dear Mr Gill,

Re: Freedom of Information Act 2000 - Request for Internal Review –Pre-Court Vulnerability Checks – Ref: COR/824GAD

I refer to your request for an Internal Review of the Council's Response to your request for information dated 21 January 2010 and made under the Freedom of Information Act 2000 (FOIA).

In your original request you asked for the following information:

Please could you tell me what checks are/were (if changed recently) done to ensure the vulnerability status of those residents that were subject to bankruptcy action, in particular those with council tax debts?

By this, I mean were checks done to ensure that the person was not or had not recently been suffering from mental illness, recent bereavement, were elderly, recent hospitalisation etc.,

If checks were done, please could you confirm the methods used to check the status of the person, for example DSS records, doctors/hospital records, social workers record, etc., and if possible, provide a copy of the checklist/ consent form/ guideline used to make the decision.

What time limits after the events would decide eg. Persons who had suffered a bereavement within the last XX months/years, or had been suffering mental illness within XX months/years, been in hospital within the last XX months/years.

Please would you also give me a list of circumstances where you would not pursue bankruptcy proceedings against a debtor?

I would like the information to cover the last six years please.

The Council's Head of Revenues and Benefits, Julie Price, responded to this FOIA Request by way of a letter to you dated 12.03.2010.

This letter was sent to you both by way of a response to your FoIA Request of the 21.01.2010 and also as a response to two supplementary FoIA Requests made by you on 14.01.2010 and 18.01.2010, both of which followed on from a FoIA Request made by you on 12.01.2010. The reason why all of these FoIA Requests were dealt with by way of a single Response from the Council is that they all relate to the Council's policy in respect to bankruptcy proceedings, particularly bankruptcy proceedings in relation to Council tax arrears.

As you were advised in our letter, those parts of the Council's Response that related to your FoIA Request of the 21.01.2010 were contained in the paragraphs numbered 5, 6 and 7.

Part 5 of the Council's Response of the 12.03.2010 addresses that part of your FoIA Request of the 21.01.2010 that asks for information as to *What checks are/were undertaken to ensure that a person subject to bankruptcy action is not a vulnerable person, particularly in relation to council tax debt; and are any time limits applicable?*

In her Response to you the Council's Head of Revenues and Benefits refers you to the copies of the Council's revised 2009 Bankruptcy and Insolvency Policy and earlier 2008 Bankruptcy and Insolvency Policy that had already been supplied to you in the Council's responses to previous FoIA Requests made by you on the 19.10.2009 and the 12.01.2010. You were advised that there is no legal obligation on the Council to have formal policy guidelines on this matter, and that it is and has always been the Council's practice to consider every case on its own merits. You were advised that during the last six years, both prior to and since the introduction of formal guidelines, background checks were carried out by Team Managers. You were advised that the final decision to refer a case for bankruptcy is now taken by the Council's Revenues Manager. You were referred to information that has already been published by the Council on its Internet site in relation to this matter and which is available via the following weblinks.

http://www.manchester.gov.uk/egov_downloads/Ombudsman_Finding_on_Maladministration.pdf

http://www.manchester.gov.uk/egov_downloads/MinutesExecutive21Oct09.pdf

You were also referred to the decision making criteria set out in paragraph 2.5 of the Council's revised 2009 Bankruptcy and Insolvency Policy. This outlines the standard checks undertaken and the approval process. You were advised that there are no specified time limits within the Council's revised 2009 Bankruptcy and Insolvency Policy, and that decisions would therefore be made depending on the circumstances of a particular case. During the last six years, both prior to and since the introduction of formal guidelines, decisions have been made depending on the circumstances of a particular case.

Part 6 of the Council's Response of the 12.03.2010 addresses that part of your FoIA Request of the 21.01.2010 that asks for information as to *A list of circumstances where the Council would not pursue bankruptcy proceedings against a debtor.*

In her Response to you, the Council's Head of Revenues and Benefits again refers you to the copies of the Council's revised 2009 Bankruptcy and Insolvency Policy and earlier 2008 Bankruptcy and Insolvency Policy that have already been supplied to you in the Council's responses to previous FoIA Requests made by you on the 19.10.2009 and the 12.01.2010. You were referred to paragraph 2.4 of the Council's revised 2009 Bankruptcy and Insolvency Policy that outlines the special circumstances where the Council may consider withdrawing proceedings in favour of alternative enforcement measures. You were advised that, during the six year period in question, and prior to the coming into force of the revised 2009 Bankruptcy and Insolvency Policy, checks were undertaken on a case by case basis to identify any known reason not to continue with bankruptcy proceedings.

On the 30.03.2010, you sent an e-mail to the Council and advised that you considered that none of the questions that you had asked in your FoIA Request of the 21.01.2010 had been answered in the Council's Response of the 12.03.2010.

On 31.03.2010, the Council's Information and Governance Manager, Lynn Evans sent a response to you to advising you that the Council considers that your FoIA Request of the 21.01.2010 had been answered by the Council Response to you of the 12.03.2010.

As it appears from your further e-mails that you remain dissatisfied with the Council's Response to your FoIA Request, I have carried out a further Internal Review of the Council's Response to you of the 12.03.2010. In your e-mail of the 30 March 2010 you state that:

I urge you to read the questions again and then you will see that NONE of them have been answered.

In my Internal Review, therefore, I have considered whether or not the Council's Response to you of the 12.3.2010 satisfies the Council's obligations under Section 1(1) of FoIA;

- (a) to advise a FoIA Applicant whether the Council holds information of the description specified by the Applicant, and
- (b) where the requested information is held by the Council, (and provided that no FoIA exemption applies), to communicate such information to the FoIA Applicant.

On reviewing the information that has been supplied to you, I am satisfied that in her Response to you of the 12.03.2010 the Council's Head of Revenues and Benefits correctly advised you that, insofar as the period from 2009 onwards is concerned, the information that you requested in relation to the Council's formal policy regarding "Pre-court action vulnerability checks" is contained at paragraphs 2.3, 2.5 and 4 of the Council's revised Bankruptcy and Insolvency Policy. I am satisfied that you have already been provided with copies of the Council's Council's 2008 Bankruptcy and Insolvency Policy and the Council's revised 2009 Bankruptcy and Insolvency Policy in response to previous FoIA Requests that you have made to the Council. I am satisfied that you have also been provided with information for the six year period in question regarding the Council's past and present practice that each case is necessarily considered on its own merits. I am also satisfied that you have been provided with information for the six

year period in question as to the Council's policy in relation to "Pre-court action vulnerability checks" prior to the introduction of the Council's formal 2008 Bankruptcy and Insolvency Policy.

On reviewing the Council's Response of the 12.03.2010, I am therefore satisfied that the Council has complied with its obligations under Section 1(1) of FoIA and that the Head of Revenues and Benefits has supplied you with the information to which you are entitled as a result of your FoIA Request of the 21.01.2010.

If you remain dissatisfied following this internal review, you have a right to apply to the Information Commissioner (IC) for a decision. The Information Commissioner can be contacted at:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF*

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Liz Treacy

Liz Treacy
Head of Legal Services