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Scarborough Borough Council

Vicky Gray

BY E-MAIL:
request-4547-e410e615@whatdotheyknow.com

Your Ref:
Our Ref: DPK/CP01/99

9 January 2009

Dear Ms Gray

Re: Freedom of Information Act 2000 – FOIA528 Request for Review

Thank you for your e-mail requesting a review of the Council's response to your request for information under the Freedom of Information Act 2000 (FOIA). This response was sent to you by e-mail on 19 December 2008.

I can confirm that I have had no involvement with your original request.

You originally requested the following information, which I have numbered for ease of reference:

- 1. I would like to know how many employees of the city council have been absent from work due to either stress, anxiety, depression or any combination of those ailments between 1st August 2004 and 31st October 2008.*
- 2. Please also confirm how many complaints of bullying have been made by employees of the council against managers or colleagues during the same period.*
- 3. Please confirm how many employees have claimed constructive dismissal within the same period for bullying/harassment.*
- 4. Please confirm how many claims have been filed against the city council at the Employment Tribunal within the same period for bullying/harassment.*

The information provided to you in answer to questions 2 to 4 is correct and relates to the entire period 1 August 2004 to 31 October 2008.

Your request for review therefore only relates to question 1 above. I can confirm that you have been supplied with the requested information as it relates to the period 1 April 2007 to 31 October 2008. You have not been provided with the requested information as it relates to the period 1 August 2004 to 31 March 2007.



You have stated that the response you have received has no relation to your request; specifically you state "I didn't ask if they had a system for recording statistical information, I asked for the figures." My colleague was simply seeking to explain to you why the figures prior to 1 April 2007 were not retrievable. I shall however explain in further detail in the hope that you may understand the Council's position more clearly.

Figures During the Period 1 August 2004 and 31 March 2007

As of 1 April 2007 the Council outsourced their payroll system. Part of this outsourcing included the successful contractor providing our Human Resources Department with access to new software to manage human resources and payroll information.

Prior to this date the Council dealt with payroll internally, using software licensed from a different supplier in order to manage information concerning both payroll and human resources. This system was used to input information relating to question 1 above.

On 1 April 2007, the Council's licence to use this software expired. This meant that the software could no longer be used to run reports to collate information and in effect became read-only. As was stated in the Council's response, "historical data prior to 1-04-07 was not copied across to the new outsourced system, apart from sickness absence data which was input for the previous year only (for SSP purposes)." Consequently the new system does not contain the information you have requested.

The information you have requested at 1 above, falling between the dates 1 August 2004 and 31 March 2007, is held by the Council in the form of paper records, being sickness report forms. Whenever an employee is absent due to sickness one of these forms must be completed. Due to the size of the Council's workforce there are literally hundreds of such forms in any given year.

Section 12(1) of the FOIA provides that the Council does not have to comply with any request where it estimates that the cost of complying would exceed the "appropriate limit". The "appropriate limit" is prescribed under The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "regulations") and is presently set at £450 in the case of a local authority such as the Council. This represents one employee working 18 hours charged at the rate of £25 per hour (as provided at regulation 4(4) of the regulations).

Regulation 4(3) of the regulations states:

In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in –

- (a) determining whether it holds the information,*
- (b) locating the information, or a document which may contain the information,*
- (c) retrieving the information, or a document which may contain the information, and*
- (d) extracting the information from a document containing it.*

To provide the information you have requested would require the Council to locate all sickness report forms completed for the period 1 August 2004 to 31 March 2007. I am advised that these forms are not located centrally and are held throughout the Council. Once these forms had been located and retrieved, it would be necessary to read through every individual form to ascertain and extract information as to whether the employee had been on sick leave due to stress, anxiety, depression or any combination of these ailments as per your request.

The Council estimates that there is likely to be a vast number of sickness report forms, and that it would take several weeks to undertake this task of location, retrieval and extraction.

Therefore under section 12 of the FOIA the Council is not obliged to comply with this part of your request and we will not be processing your request further.

If you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case.

If you remain dissatisfied with the way your request has been dealt with and wish to request a further review of our decision, you should write to Ian Anderson, Head of Legal and Support Services, Town Hall, St Nicholas Street, Scarborough, North Yorkshire, YO11 2HG or email complaints@scarborough.gov.uk. This will take your complaint to Stage 2 of our 3 part complaint procedure, details of which can be found at www.scarborough.gov.uk/Default.aspx?page=7447

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Scarborough Borough Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 545745, Fax: 01625 524510, Web: www.ico.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be 'David Kitson', written in a cursive style.

David Kitson
Senior Solicitor