

20th July 2017

Department: Interim Chief Executive's
Contact Name: Roger Parkin
Contact No: 01753 875207
Email: Roger.Parkin@slough.gov.uk
Our Ref:

Mr Mustafa Khan
By email only to:

<mailto:request-417256-cc198bd3@whatdotheyknow.com>

Dear Mr Khan

Freedom of Information Act Requests – Refusal Notice

Thank you for your requests for information under the Freedom of Information Act 2000. (the 'Act') received on 10 July.

You have made two requests (Your 'Requests') for information under the Act as follows:

Request 1

Please kindly reveal the full details of all external lawyers that provided legal advice, or advice of a legal nature, to the Council, its staff and officials including its then interim Monitoring Officer, about the Ruth Bagley disciplinary process and the subsequent settlement of the disciplinary process (also known as the pay-off or compromise settlement).

(3) Which persons actually received that advice?

(4) What were the comprehensive costs, including VAT, paid by the Council to each of the lawyers at (2) above?

(5) Whom specifically from the Local Government Association, or its associate or subsidiary companies or organisations or related entities, provided any support or any assistance or any advice or any form of help to the Council on the negotiations between Ruth Bagley and the Council relating to the termination of Ruth Bagley's employment with the Council?

(6) Please itemise all the costs paid by Council in (5) above.

(7) Which Local Government Association, or related organisation, staff, officers, consultants, advisors etc. provided advice, guidance and/or help to the Labour Group meeting, before the December 2016 meeting of the full council, about the Ruth Bagley settlement?

(8) What [were] the comprehensive costs, including VAT, paid by the Council for (7) above?

(9) Why was the disciplinary process into Ruth Bagley's conduct stopped and who authorised that stoppage?

(10) Please supply a copy of the executive decision to prematurely terminate the Ruth Bagley disciplinary process.

Request 2

Has the current acting Head of Paid Service, Mr Roger Parkin, ever been investigated for allegations of breaching the council's codes of conduct for employees? If so, on how many occasions and in which years?

Is Mr Parkin required, as a senior council manager, to declare his personal relationship with council's staff? If so, when was that declaration?

What are the penalties for non-disclosure of personal relationships with other staff?

How do senior staff have to declare their friendships with contractors, the staff of contractors, owners of commercial organisations, police officers etc. and all resulting hospitality received? If so, where is this information publicly available for inspection?

When third parties, meaning contractors, staff of contractors, owners of commercial organisations, job applicants etc. benefit from a decision made:-

(a) solely by a senior member of the council's staff; or

(b) at the insistence of a senior member of the council's staff;

What safeguards exist within the council to ensure the council's official judgement, official standards and official reputation are not compromised for the personal gain of involved entities?

Please list all the anti-corruption and anti-fraud measures, policies and audits etc. that have occurred since 1 January 2016.

Response

Your Requests are substantially similar to earlier requests we have received from another individual in June this year about these same individuals covering the same issues. We refused these earlier requests on the grounds that they were vexatious.

In summary, we refused the earlier requests under section 14 (1) of the Act because their tone and content were accusatory and unpleasant. A key theme of the earlier requests, insofar as there was one, was corruption, concealment and improper behaviour at the council, targeting individual council officers without proper justification, causing them serious distraction, irritation and distress, and placing an unjustified burden on council resources to answer them.

Given the time proximity and the content and subject matter of Your Requests we have good reason to conclude that you are acting in concert with that individual. Your Requests are almost identical in content and tone to the earlier requests and come via the same WhatDoTheyKnow.com website. We also know that you have commented on our response to the earlier requests.

The First Tier Tribunal case of *Duke v IC and University of Salford* (EA/2011/0060) upheld a public authority's decision to refuse requests for information from the appellant after taking into account the fact that a substantial number of requests under the Act had been received during a specific period from different people acting in concert with others in pursuing a targeted campaign of requests.

Therefore we are refusing to answer Your Requests relying on section 14 91) of the Act because in context they are vexatious.

Please note also that section 17(6) of the Act states that there is no need to issue a refusal notice if we have already given the same person a refusal notice for a previous vexatious or repeated request; and it would be unreasonable to issue another one. The ICO will usually accept that it would be unreasonable to issue a further refusal notice if the authority has already warned the complainant that further requests on the same or similar topics will not receive any response. Therefore please take notice that further requests on the same or similar topics from you will not receive any response.

In the circumstances of this case we are not offering you the right to an internal review of this refusal decision as the decision has been taken after consultation at the highest level at the council.

However, if you are dissatisfied with our decision you have a right to appeal to the Information Commissioner at:

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

Tel: 0303 123 1113

Web site: <https://ico.org.uk/concerns/getting/>

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Parkin', is positioned above the printed name.

Roger Parkin
Interim Chief Executive