

Assurance Group  
London Borough of Barnet,  
2 Bristol Avenue, Colindale,  
London NW9 4EW  
20 April 2020  
Our ref: 6212788

Thank you for your request received on 24 March 2020, for the following information:

**It is becoming apparent that many Councils have adopted the same disciplinary processes, which breach the Human Rights Act 1998.**

**Disciplinary Hearings are part of the civil law and article 6 of the European Convention of Human Rights entitles the individual involved in them to specific rights and other implied rights. It is my intention to raise specific issues in Parliament through my MP.**

**All Public Servants are bound by the 7 Principles of Public Life espoused by Lord Nolan in 1995.**

**The levels of apparent Malfeasance in Public Office in many Local Authority HR teams extend to:**

- 1) Originating disciplinary investigations on the basis of anonymous or spurious allegations of criminality.**
- 2) Denying the accused officer the right to a free fair and impartial hearing by refusing the accused officer the opportunity to question alleged witnesses.**
- 3) Denying the accused officer the right to read civil witness statements written by his/her accusers**
- 4) Deliberately causing the individual damage to their physical and mental health resulting in them being classed as unfit to work by qualified medical practitioners.**
- 5) Undertaking disciplinary hearings in the accused officer's absence through their identified and certified ill health.**
- 6) Completing dismissal of staff on the grounds of gross misconduct by abusing the civil law, principle of balance of probability does not mean that because an accusation is made it is correct. Licensing officers and enforcement officers in various disciplines are prone to malicious and spurious allegations these should be properly tested for veracity.**

**QUESTIONS of your authority for the years**

**2016 to 2017 ' 2017 to 2018 ' 2018 to 2019 - 2019 to 2020 and 2020 to 2021.**

**In each of the five years the data is required from 1st January to 31st December:**

- 1) How many disciplinary cases have been commenced on the basis of anonymous letters or other complaints of criminal or corrupt behaviours against Council staff?**
- 2) How many of those complaints of criminal or corrupt behaviours were reported to police for investigation?**
- 3) How many staff accused of criminal or corrupt behaviours were presented with copies of civil witness statements prepared by the witnesses?**
- 4) How many staff subject to such disciplinary procedures have suffered physical or mental impairments as identified by:**
  - a) Qualified occupational health physicians?**
  - b) Qualified medical practitioners?**
- 5) How many disciplinary cases have proceeded to hearing whilst the accused officer was unfit through Sickness? And therefore unable to provide an adequate defence!**
- 6) How many of those disciplinary cases resulted in a finding of guilty of Gross Misconduct?**
- 7) How many of the officers accused of criminal or corrupt practices, yet were subjected to Council disciplinary procedures were:**
  - a) Licensing Officers?**
  - b) Enforcement Officers. (Inclusive of Planning ' Environmental Health Officers ' Highway Enforcement ' Streetscene enforcement [including waste management, nuisance vehicles and other environmental issues]{Excluding Civil Enforcement Officers}**
- 8) How many of those cases resulted in dismissal of the accused officer?**
- 9) How many cases of unfair dismissal have been lodged against your local authority?**
- 10) How many cases of unfair dismissal have been resolved by withdrawal by the officer Alleging unfair dismissal, after financial settlement?**
- 10) How much public money has been paid to staff who have lodged complaints of unfair dismissal against your local authority. (This includes all case settled out of court, including those where the offer was made immediately outside of the tribunal.)**
- 11) How many non-disclosure agreements (NDAs) have been entered into by you.**

We have processed this request under the Freedom of Information Act 2000.

## Response

We believe that the exemptions detailed below apply to all the information you requested and so we are withholding that information. Please see the Refusal Notice below. The information requested is so detailed that individual could be identified from it if information was held. Even disclosing that information was or not held held but exempt could disclose personal data about an individual's circumstances.

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We consider that the absolute exemption set out in Section 40 (Personal information) subsection 5 applies to the information requested. Therefore, we have decided to withhold the information.

## Refusal Notice Section 40(5)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

The council neither confirms nor denies that it holds the information requested. The council is not obliged to confirm or deny that it holds information if giving the confirmation or denial to a member of the public would contravene any of the data protection principles. In this case confirmation or denial would provide personal information which would contravene the first principle in the Data Protection Act 2018. A response to a FOI

request is considered to be made to the whole world and to be publicly available and not provided only to the requester .

### **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.