

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 June 2016

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information relating to the detention in Immigration Removal Centres of women who have disclosed that they are pregnant. The Home Office failed to respond substantively to this request and in so doing breached sections 1 and 10 of the FOIA and it is now required to respond to the request.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
3. The Home Office 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 29 February 2016 the complainant wrote to the Home Office and requested information in the following terms:

"In the Service Improvement Plan for Yarl's Wood Immigration Removal Centre, dated 11th August 2015, the Home Office set out that management information on the number of women who have disclosed their pregnancy and are being held in detention would from this point on be recorded centrally – see page 3, point 5.12:

<http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2015/08/2015-08-11-FINAL-AGREED-Service-Improvement-Plan-for-Yarls-Wood-IRC.pdf>

Now that this information is being recorded centrally by the Home Office, we request the following information. According to this management information:

a) From the point at which the Home Office began keeping this central record, to the present (that is, the date on which management information is being looked at to provide a response to this request), how many women who have disclosed that they are pregnant have been held in immigration detention?

b) Of these women, how many are currently (again, the date on which management information is being looked at to provide a response to this request) in detention?

c) Of these women, how many are no longer in detention, and how was their detention brought to an end? Specifically, of those who are no longer in detention, how many were:

i) removed from the UK;

ii) granted leave to enter or remain in the UK;

iii) granted temporary admission or release;

iv) granted bail;

v) had another outcome, not specified here (but are not still in detention)?

d) For women who have disclosed their pregnancy who are currently detained, how long have they been in detention? Specifically, how many of these women have been detained for:

i) under two weeks;

ii) for two weeks or more, but less than a month;

iii) for one month or more, but less than two months;

iv) for two months or more, but less than three months;

v) for three months or more.

e) For women who disclosed their pregnancy who are not still in detention, how long were they detained? Specifically, how many of these women were in detention for:

i) under two weeks;

ii) for two weeks or more, but less than a month;

iii) for one month or more, but less than two months;

iv) for two months or more, but less than three months;

v) for three months or more."

5. The Home Office failed to respond substantively to this request.

Scope of the case

6. The complainant contacted the Commissioner on 13 April 2016 to raise the failure by the Home Office to respond to her request. The Commissioner contacted the Home Office on 19 May 2016 and asked it to respond to the request within 10 working days. The Home Office did not respond.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
8. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond substantively to the request within 20 working days. The Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

9. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Home Office to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

Right of appeal

10. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

11. 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.
12. 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

Ben Tomes
Senior Case Officer
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