



Ministry of
JUSTICE

Interpretation Project
Ministry of Justice
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Yelena McCafferty
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Our Reference: FOI/79423

19 December 2012

Dear Mrs McCafferty,

Freedom of Information Request

Thank you for your emails of 25 November, in which you asked for the following information from the Ministry of Justice (MoJ):

“1. Please provide a copy of any policy document which sets out the data collection in respect of the performance of Capita/ALS under the Framework Agreement with HMCTS.

2. Please provide a copy of any policy document which instructs court staff not to retain a record of any court cases, such as first appearances, hearings with defendants brought to court, having been remanded overnight, plea and case management hearings, sentence hearings, - adjourned after no interpreter attended even though booked, arrived late, was dismissed due to poor performance or due to the wrong language spoken, with the exception of ineffective trials only.

3. Please provide a copy of the procedure the Ministry or individual courts use to ensure that they are able to collect service credits from the Contractor, as specified in the Framework Agreement, if neither the Ministry nor individual courts retain a record of adjourned court cases due to an interpreter’s issue.

Please let me have the information requested above in the electronic form.”

Your request has been handled under the Freedom of Information Act 2000 (FOIA). I can confirm that the Ministry of Justice holds some of the information that you have requested. I have set out responses to each of the points below.

1. To establish whether the information was held I conducted a thorough search, and made enquires within the team responsible for managing the contract with ALS as well as the project team.

The MoJ does not hold a policy document as requested. For your information, detailed management information is received on a weekly basis from the Contractor which includes fulfilment of assignments, complaints data, and general management information on face to face and telephone interpretation, as well as transcription and translation services.

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2. The MoJ does not hold a policy document as per your request.

You can find out more about information held for the purposes of the Act by reading some guidance points we consider when processing a request for information, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents> and further guidance <http://www.justice.gov.uk/guidance/foi-step-by-step.htm>

3. The procedure for collecting service credits is as set out in the Framework Agreement. The information is exempt under section 21(1) of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access a redacted version of the contract on Contracts Finder at the following web address:

<http://www.contractsfinder.businesslink.gov.uk/Common/View%20Notice.aspx?site=1000&lang=en&NoticeId=352922>

Section 21 (1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/21> and further guidance <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>

Outside of the FOIA and on a discretionary basis I can inform you that information on adjournments is recorded locally on individual case files, but this information is not collated centrally.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website: <http://www.justice.gov.uk/information-access-rights/foi-requests/latest-moj-disclosure-log>

The published information is categorised by subject area and in alphabetical order.

Yours sincerely

Margaret Haig

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How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit (10.34),
Information & Communications Directorate,
Ministry of Justice,
102 Petty France,
London
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Internet address: https://www.ico.gov.uk/Global/contact_us.aspx

EXPLANATION OF INFORMATION HELD FOR THE PURPOSES OF THE ACT

We have provided below additional information for information held for the purposes of the Freedom of Information Act. We have included some of the guidance we use when considering requests for information. I hope you find this information useful.

Is the information 'held' for the purposes of the Act?

A person may request any information 'held' in any recorded form by a public authority (or held by another on behalf of a public authority).

If the requester is asking for an opinion on an issue or asking for information that is not already held to be created, this is not a Freedom of Information Act request.

Information covered by the Act

All recorded information 'held' by a public authority is within the scope of the Freedom of Information Act. It includes files, letters, emails and photographs and extends to closed files and archived material.

Recorded information

The right of access applies to information recorded in any form. This includes:

- information that is held electronically (such as on a laptop computer or an electronic records management system)
- information that is recorded on paper (such as a letter, memorandum or papers in a file)
- sound and video recordings (such as a CD or videotape)
- hand-written notes or comments, including those written in note pads or on Post-it notes

Is the information 'held' under the Freedom of Information Act?

'Holding' information includes holding a copy of a record produced or supplied by someone else. However, if a public authority only holds information on behalf of someone else, for example a department holding trade union information on their computer system, then that public authority may not have to provide the information in response to a Freedom of Information Act request.

In some cases, it may not be clear whether information which is physically present on your premises or systems is properly to be regarded as 'held' by your public authority, for the purposes of the Freedom of Information Act. Examples include:

- private material brought into the office by ministers or officials
- material belonging to other people or bodies
- trade union material
- constituency material
- material relating to party political matters.