



Information Governance Team

Postal Address:
Coventry City Council
PO Box 15
Council House
Coventry
CV1 5RR

www.coventry.gov.uk

E-mail: infogov@coventry.gov.uk

Phone: 024 7697 5408

11 May 2022

Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI412198248

Thank you for your request for information relating to race discrimination.

You have requested the following information:

1. By reference to the period 1 January 2020 – 28 February 2022, provide details of all allegations of race discrimination made to the Council (including through line managers) involving verbal abuse, physical abuse, and harassment which was associated by the complainant with their race.

There have been two formal cases regarding race discrimination in the workplace.

2. Confirm how many formal investigations have been pursued by the Council relating to the complaints identified at point 1 above.

There has been one formal investigation.

3. By reference to each investigation carried out by the Council, set out by way of information a record of outcomes involving whether the complaints were upheld, rejected, or reached some other conclusion.

4. As regards any investigations, was any disciplinary action taken against any employee of the Council, and by reference to each disciplinary process confirm the sanction imposed by way of warnings short of dismissal, and dismissal.

With regards to Questions 3 and 4, due to the low numbers of cases involved, we have applied the exemption at Section 40 of the FOIA.

The Freedom of Information Act 2000 (FOIA) contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the exemption at s40(2) of the FOIA to the information that is being withheld in Questions 3 and 4 due to the low number of complaints which could lead to identification of the individuals.

Section 40(2) of the FOIA states that personal data relating to third parties (i.e. a party other than the person requesting the information) is exempt information if disclosure of the requested information would be contrary to the requirements of the UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption not subject to the Public Interest Test.

Provision of information in response to an FOIA request is effectively a public disclosure to the "world at large". We must take into account that any information released under FOIA will be placed in the public domain, through our own disclosure log or by other means.

In this case, we believe that by disclosing the information we have withheld (regarding investigations, records of outcomes and disciplinary action), we would risk revealing information that would allow individuals involved (i.e. employees who subject to the investigation) to be identified. In such a case we would be disclosing personal information about those individuals and therefore the information is being withheld.

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the UK General Data Protection Regulation (UK GDPR).

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We believe that revealing that an individual had been involved in such an investigation would be contrary to the requirements of Article 5(1)(a) of the UK GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject. We note that none of the requested information is publicly available, and indeed great care is taken by those involved to maintain confidentiality.

The data subjects would therefore not have had a reasonable expectation that this information would be made public, either now or at the time the information was created. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the UK GDPR.

5. By reference to each complaint received by the Council (point 1 above) how many of the complaints involved a reference by the complainant or the Council to the police. If the Council has information about the outcome of any police referral, please confirm that to me.

If an employee wished to put formal complaint into the Police, we should signpost and support that individual to do so as far as we can.

6. Whilst protecting the personal identity of those involved and accepting the GDPR obligations on the part of the Council, you should disclose any documents which concern investigations undertaken by the Council.

Please refer to the response provided for Question 3 and 4 above.

7. Has the Council undertaken any general investigation of issues linked to alleged race discrimination in the Council during the period identified, and if so what was the outcome of the investigation. Any report associated with the investigation should be disclosed, once again respecting individual data obligations.

We are early adopters of the Race Equality Code 2020 which commits the Council to implementing anti racist practice.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance