

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 August 2015

**Public Authority:** Norfolk County Council  
**Address:** County Hall  
Martineau Lane  
Norwich  
NR1 2DH

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information relating to a Children's Services Independent Review. The Commissioner's decision is that Norfolk County Council has breached section 10(1) of the FOIA by failing to respond to requests within the statutory time limit of 20 working days. He does not require any steps to be taken to ensure compliance with the legislation.

#### **Request and response**

---

2. On 20 March 2015, the complainant wrote to Norfolk County Council ('the council') and requested information in the following terms:
  - "A copy of the overview of the procedures to determine their fairness or otherwise to foster carers
  - A copy of [named individual 1's] investigation report including its conclusion and recommendations following the October 2013 inquiry. This is NOT the [named individual 1's] second report which apparently resulted in [named individual 2's] suspension.
  - A copy of the Terms of Reference for the review you now propose to Commission [named individual 1] r to carry out.
  - Confirmation that NFCA will be involved in the process of setting up the review and allowed to be represented on the panel."

3. In a letter dated 11 May 2015 to nplaw, a shared legal service who undertake legal work for the council, the complainant referred to the request as follows:

"Finally, you must be aware that the County Council's repeated failure without any justification to provide us with a copy of [named individual 1's] reports from his overview of the Allegations and Concerns procedures to establish their fairness – or otherwise – to foster carers, and of his investigation in late 2013, despite our repeated requests and their repeated promises, constitutes a breach of the Freedom of Information Act. Unless we receive copies of those reports by 14 May 2014 [sic] we intend to escalate that matter also; this will include registering a complaint with the Information Commissioner's Office."

4. On 12 June 2015, the Commissioner telephoned the council who confirmed that the request of 11 May 2015 has been received and that it intended to provide a response by 18 June 2015. The Commissioner then wrote to the council on 19 June 2015 requesting that the council respond to the complainant within 10 working days either providing the requested information or issuing a refusal notice. The letter informed the council of the request dated 20 March 2015 stating that there is no reason to suspect that request had not been received.
5. The Commissioner contacted the council again on 14 July 2015 and informed it that the complaint has been deemed eligible for formal consideration under section 50 of the FOIA.
6. The council provided a response to the complainant on 5 August 2015.

### **Scope of the case**

---

7. The complainant contacted the Commissioner on 28 May 2015 to complain about the way his request for information had been handled. During the course of the investigation, the complainant has made it clear that he wants a decision notice considering whether the council has breached section 10(1) of the FOIA.
8. The Commissioner is aware that the complainant has made requests for this information previous to those detailed above. The complainant provided the Commissioner with a copy of correspondence dated 21 February 2014 requesting 'a copy of [named individual 1's] overview...' and dated 12 April 2014 requesting 'a copy of [named individual 1's] overview of the fairness of the Children's Services Concerns & Allegations Procedure to foster carers'. He also provided a copy of correspondence from the council dated 20 March 2014 which stated, in relation to the named individual 1's review, that "Once our MPs have

been made aware of the contents of the report, we will be in a position to release the documents to your organisation.”

9. However, due to the time elapsed between the 2014 requests and the complaint to the Commissioner, he considers it appropriate to consider whether the council breached the statutory time for compliance at section 10(1) of the FOIA in relation to the requests of 20 March 2015 and 11 May 2015.

### **Reasons for decision**

---

10. Section 10(1) states:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

11. The council received the requests on 20 March 2015 and 11 May 2015 and responded on 5 August 2015 which is after the twentieth working day following the date of receipt. Therefore, the council did not respond to the request within the statutory time limit in breach of section 10(1).

## Right of appeal

---

12. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. 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.
14. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**