

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 June 2016

Public Authority: London Borough of Lewisham
Address: Lewisham Town Hall
1 Catford Road
Catford
London
SE6 4RU

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Lewisham (the 'Council') about policies or internal guidance which covers the provision of accommodation to families with No Recourse to Public Funds ('NRPF').
2. The Commissioner's decision is that the Council has breached section 10 of the FOIA as it has failed to respond to the request for information.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - respond to the request for information dated 8 July 2015.
4. The Council 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 8 July 2015, the complainant wrote to the Council and requested information in the following terms:
 1. *Any policies or internal guidance which covers the provision of accommodation to families with NRPF*

2. *2. A copy of the guidance referred to by [redacted name] in her email to [redacted name] of 8 June 2015.*
 3. *A copy of any policies, guidance, reports or written documents that explains the financial subsistence that is to be given to a family with NRPF and how entitlement is to be assessed.*
6. The Council did not acknowledge the request.

Scope of the case

7. The complainant contacted the Commissioner on 14 April 2016 to complain about the way his request for information had been handled.
8. Upon receipt of the complaint, the Commissioner wrote to the Council on 28 April 2016, providing it with a copy of the request and asking it to respond within 10 working days.
9. The complainant contacted the Commissioner on 24 May 2016 and explained that she had still not received a response to his request.
10. On 24 May 2016 the Commissioner contacted the Council and on 25 May 2016 was informed that it would provide a response the following week.
11. On 3 June 2016 the complainant contacted the Commissioner and explained that she had still not received a response from the Council.
12. The Commissioner has had to consider whether the Council handled the request in accordance with section 10.

Reasons for decision

13. Section 10 of 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"*.
14. From the information provided to the Commissioner in this case, it is evident that the Council has not responded to the request within the statutory timeframe of 20 working days. The Council has therefore breached section 10 of the FOIA.
15. As the Council has still not responded, it must take the steps outlined in paragraphs 3 and 4.

Right of appeal

16. 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: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF