

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 June 2023

Public Authority: Southend-On-Sea City Council
Address: Civic Centre
Victoria Avenue
Southend-On-Sea
Essex
SS2 6ER

Decision (including any steps ordered)

1. The complainant requested information relating to the Children's Services Department and fostering. By the date of this notice Southend-On-Sea City Council (the Council) had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - the Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 March 2023, the complainant wrote to the Council and requested information. On 16 March 2023 the complainant made an amendment to their request. The request, including amendment, was in the following terms:

“This is a request for information pursuant to the FOIA 2000 for the following;

1. Proforma/Template forms used by SCC employees in the Children's Services Department when they need to make any referrals to the Department whom the Director is Benedict Leigh or which employees of the Commissioning Department complete when making referrals for PVI.
 2. Number of Private Fostering (PVI) referrals made between 1st January to 31st December 2022 (children) and % of successful referrals
 3. Number of private fostering agencies used by SCC between 1st January 2022 to 31st December 2022 (children)
 4. List of the names of the private fostering agencies used between 1st January 2022 to 31st December (children)
 5. Copies of all policies/guidelines/guidance (or similarly named) that apply predominately to employees working in the Commissioning Dept in respect of placements for 'Looked After Children' (LAC).
 6. Copies of all policies/guidelines/guidance (or similarly named) that apply to predominately employees working in the Children Services Department which relate to undertaking placement searches and handling placement breakdowns.”
6. The Council acknowledged the request on 17 March 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.”
8. Section 10(1) 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”.
9. On 25 May 2023 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
10. Despite this intervention the Council has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
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