

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

### **Decision notice**

**Date:** 31 October 2023

**Public Authority:** Southend-on-Sea City Council

**Address:** Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex  
SS2 6ER

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

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1. The complainant requested information from Southend-on-Sea City Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

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

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5. On 31 August the complainant wrote to the public authority and requested information in the following terms:

"Please log this as an FOI request for information below:

1) Please find attached document named 'A1. Delegated Decision Making Policy' provided to me by another Local Authority. I note on your Children Services Manual on tri-x only a limited set of incidences and occasions when decisions need to be made are listed (see attached - A2.). I would like a full copy of delegation of Decision Making in the Children Services Department and for the avoidance of doubt, decisions around financial payments to be covered, please find attached A3. Scheme of Delegation' to illustrate.

2) I understand since 1.4.23, the Commissioning Department now encompasses searches for Independent Fostering Agency placements. Please provide information held regarding this change to include how this was communicated to employees. What was the rationale/reasoning for this change, please provide any evidence/consultation to support the change and the minutes from the meeting where managers discussed the matter.

3) In respect of Adult and Children's Social Care, please provide material held regarding how to use the case management system, Liquid Logic. Some Local Authorities have created Handbooks for example and have guidelines around the timeliness of when a Case Note should be finalised following its creation.

4) According to your policy/guidelines/guidance (or similarly named), please provide the number of working days an attendee/invitee should be sent a copy of;

- i) minutes from LAC review meeting
- ii) minutes from meetings arising from when a child is subject to a Supervision Order (apologies, but I don't know the name what the specific meeting is called, I think they are held every 3 months if the Supervision Order lasts for 12 months)
- iii) minutes from CIN meeting

5) Please provide in full a copy of the documents/intranet section from which the information was extracted from to answer point 5

6) Upon having reviewed the contents of each of the below listed documents, please provide a copy of the equivalent or similar that is held by Southend City Council

- a. A4. Single Complaints Statement
- b. A5. Guidance on Letter Writing
- c. A6. Corporate Stage 1 Response
- d. A7. Corporate Stage 2 Response Template
- e. A8. Corporate Response to Customer Checklist
- f. A9. Statutory Response to Customer Checklist
- g. A10. Considering Financial Remedies Template
- h. A11. Meeting with Customer Checklist
- i. A12. Report Guidance for Investigators
- j. A13. Staff Guidance Difficult Customer Behaviour Communication
- k. A14. Blank Notification of Unreasonable Customer Communication Behaviour Form

7) In addition, please provide any other and all internal complaints management guidance, training resources and templates the council relies upon to assist employees in the delivery of handling and responding to Complaints.

I am aware of your complaints policy and the information already accessible via the Council's website that relates to this subject."

6. On 4 September 2023 the Council requested clarification of question five. The complainant provided clarification on 5 September 2023 in the following terms:

"My apologies for the confusion caused by my typo, point 5 should read as follows: 5) Please provide in full a copy of the documents/intranet section from which the information was extracted from to answer point 4"

## Reasons for decision

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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 14 October 2023 the Commissioner wrote to the public authority, 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 public authority has failed to respond to the complainant.
  11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

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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](mailto:grc@justice.gov.uk)

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

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 .....**

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**