

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 March 2024

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 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 timeframe 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.
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 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 4 January 2024, the complainant wrote to the public authority and requested information in the following terms:

"Dear Southend City Council,

Please accept this as a follow-up request to FOI 12998 for information under the Freedom of Information Act.

I requested the internal review for FOI 12998 on 14th July and have now read all the attachments disclosed in the internal review response which I received on 14th December, having already received the initial response late on 11th July as the request was made on 12th May.

1) Please provide a blank/template copy of form used by a child's social worker to make a referral for an Initial Viability Assessment to be undertaken and state if it was in operation from onwards of July 2022

2) Please provide the total number of Initial Viability Assessments with a start date in September 2022

3) Are all applicants approved as Foster Carers for a temporary period not exceeding 16 weeks in compliance with Regulation 24 of the Care Planning, Placement and Case Review Regulations (2010) required to sign prior to the child being placed in their care, the Foster Carer Supervision Agreement? I have attached a copy of the template form.

4) Looked After Children's Review Meetings – 1 month after the child is placed, at 4 months, and then every 6 months afterwards. [Page 2 of Regulation 24 Information Leaflet]. I understand the 1 month timeframe applies to all Looked after Children being placed in a new placement regardless of its type or if they are moving from a previous foster placement.

In a timeframe that is easily reportable for you, please can you provide the number and overall % of LAC Review Meetings that were held within 1 month after a child was placed in the care of a Reg 24 Approved Foster Carer?

5) The Nominated Officer acting on behalf of the Local Authority can extend temporary approval of a regulation 24 carer for a further period of 8 weeks if it does not feel it has completed the necessary assessment. If the assessment is positive the Local Authority can consider recommending that the child remain in the care of the connected carer.

How many times in the first half of 2023 did this happen and what

form/document is used to evidence the temporary approval for a further period of 8 weeks?

6) How many children are currently placed with a Reg 24 temporary approved foster carer? From this number, how many of the Reg 24 temporary approved foster carers are in receipt of the standard/normal fostering weekly income?"

Reasons for decision

6. 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."

7. 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".

8. On 21 February 2024 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.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. 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

11. 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

12. 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.
13. 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