

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 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)

1. The complainant requested information from Southend-on-Sea City Council (the Council). By the date of this notice 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.¹
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.

¹ 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](#)

Request and response

5. On 29 August 2023, the complainant wrote to the Council and requested information in the following terms:

"Please accept this as a request for information under the Freedom of Information Act, as follows:

- 1) Please provide copies of Access to Resources Panel Agenda Forms 1st June 2021 to 1st September 2021 with a blank copy of the ARP Request Form that was used at the time.
- 2) Please provide the current version of the Terms of Reference for the Access to Resources Panel that is accessible to employees right now, hopefully by now no longer in draft form and inclusive of the appendices that were referred to but missing from the document before, along with the date the current version of the Terms of Reference for the Access to Resources Panel was finalised and circulated.
- 3) In a PDF, please provide the total number of Children's cases presented at the Access to Resources Panel in the months of a) July 2021 b) August 2021 c) August 2022 d) September 2022

Can you provide a breakdown of the figure by what social work team, the case holding social worker was from;

- a. CPS1
- b. CPS2
- c. CPS3
- d. CPS4
- e. A&I1
- f. A&I2
- g. A&I3
- h. Other

- 4) In consideration of where in the Terms of Reference for the Access to Resources Panel (see attached), it states "The Panel Administrator will also regularly update the tracker in recording outcomes from Panel." — please provide a copy/print screen of this.

5) Please provide copy of the last review of the current Access to Resources Panel or if the 6 monthly review has not yet taken place, please provide copy of the last review of the previous Access to Resources Panel.

6) Please provide all your Decision Support Tools, which is made reference to in document 'FOI13182/Blank APR Form' that is attached."

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 2 October 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.

9. Despite this intervention the Council has failed to respond to the complainant.

10. 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

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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF