

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 August 2023

Public Authority: Brighton and Hove City Council

Address: Hove Town Hall
Norton Road
Hove
BN3 3BQ

Decision (including any steps ordered)

1. The complainant requested information from Brighton and Hove City Council ("the Council") about financial support payments and assessment criteria managed by the Children's Social Care department.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 3 July 2023, the complainant made the following request for information:

"Please treat this as a request for information under the FOIA 2000 in respect of Financial Assistance (s17 of the Children Act 1989), as follows below:

In relation to the children's social care department, please provide the criteria and/or assessment by which a social worker uses to determine the prospective person(s) who is responsible for caring for the child eligibility to receive payment(s) of money

In relation to the Children's Social Care department, what size/sum of money is acceptable to be given as cash and when should a payment be made into the recipient parent(s) who is responsible for caring for the child's bank account and what other factors influence whether the payment should be made via cash or paid into the recipient's bank account

Please provide your template / commonly used document for capturing the recipient's signature used to confirm they have received the stated amount of money if paid to them in cash

In circumstances where the resident parent with parental responsibility is in receipt of financial assistance from the Local Authority, should the details including the frequency and sums of payments made be communicated to the non-resident parent with parental responsibility and/or stated in the Supervision Order Plan?"

4. The Council responded to the request for information on 7 August 2023.

Reasons for decision

5. 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."

6. 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".
7. 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.

Right of appeal

8. 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

9. 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.
10. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF