

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 December 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 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.
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 11 October 2023, 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 provide template screening form that was in use in connection with the Emotional Wellbeing Panel that involves/involved [NAME REDACTED] and [NAME REDACTED].
- 2) I understand a Permanence Plan Episode should be made available when completing Final Court Statements and Care Plans. Please provide a blank/template copy of your Permanence Plan Episode. To aid you in responding, please find attached email with attachment as an example response to this request from another Local Authority.
- 3) Please provide your policy document for The Placement of Children with Parents or Person with Parental Responsibility or Holding a Residence Order Prior to Making of Care Order ('P') in Accordance with The Care Planning, Placement and Case Review Regulations 2011.
- 3a) Please provide blank/template copy of the material used relating to Regulation 19 Emergency Assessment for an unplanned immediate placement with 'P' that is presented to the Nominated Officer.
- 3b) Please provide blank/template copy of the material used relating to Regulation 17 Full Assessment that is to be carried out and agreed by the Nominated Officer prior to placement.
- 4) Please provide a copy of the application made by the Council for a Stopping Up Order of the Queensway Footbridge and copy of the document approving the request from the Council.
- 5) Please provide a copy of the document detailing the inspection of the Queensway Footbridge that took place on 8 February 2023 and a copy of the document detailing the previous inspection before 8 February 2023 of the Queensway Footbridge.”

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 16 November 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.

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