

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 March 2024

Public Authority: Gloucestershire County Council
Address: Shire Hall
Westgate Street
Gloucester
GL1 2TJ

Decision (including any steps ordered)

1. The complainant requested information from Gloucestershire County Council ("the Council") relating to its children's social services department.
2. The Commissioner's decision is that the Council is entitled to rely on section 12(1) (cost limit) to refuse to comply with the request. He also finds that the Council met its obligations under section 16(1) of FOIA to offer advice and assistance.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 19 September 2023, the complainant wrote to the Council's Director of Children's Safeguarding and Care and requested information in the following terms:

"Under the Freedom of Information Act, I would like to request the following information:

1. Please can I see all electronic communication between GCC colleagues and yourself regarding our latest communication.

2. Please can you provide me with the number of complaints Gloucestershire Children's Social Services received since it had come out of special measures. How many complaints were upheld.
3. How many complaints involved alleged parental alienation.
4. How many times during and after Covid 19 did Gloucestershire Children's Social Services investigate allegations of parental Alienation. How many investigations into Parental alienation were upheld.
5. Out of those complaints, how many complaints were made directed at the Forest Team specifically [names redacted].
6. How many complaints or concerns were raised regarding the co-authorship of report's and assessments.
7. Please can you tell how many of these complaints regarding co-authorship of assessments and reports were upheld.
8. How many complaints overall were eventually escalated to the Social Care Ombudsman.
9. How many children's social workers were investigated by Social Work England since leaving Special Measures.
10. How many Children Social Workers had their licensed suspended or revoked by Social Work England during and after Covid-19.
11. Please forgive for my directness but can you tell me how formal complaints were directed at [the Director of Children's Safeguarding and Care] in the last 10 years. And how many where upheld.
12. Please can you provide me with the number Section 47 assessments [name redacted] has carried out for GCC.
13. I would be grateful if you can provide me with the Parents Alienation training literature provided to GCC Children's Social Services.
14. How complaints were raised against GCC by Children in the last 5 years.

15. In the last 5 years, how complaints were raised against Children's Social Services by adults relating to the time they were children. How many of these cases went to court.
16. How many times have the police investigated the processes and working practices of Gloucestershire County Council Children's Social Services in the last 10 years.
17. How many Children Services Social workers are directly employed by GCC and how many of them have over 12 months of experience in the role.
18. How many have been employed outside the EU in the last 5 years.
19. How many agency social workers were employed by GCC during it's time in special measures.
20. How many agency social workers have been employed by GCC since it came out of special measures.
21. How many social workers have been successfully recruited by the Authority since it came out of special measures which involves financial incentives to sign up to GCC. How much money did those incentives cost GCC. How much did it cost GCC to promote these recruitment drives.
22. What has been the annual financial cost to the Authority for agencies social workers during and after special measures.
23. How many individuals employed in senior management roles at GCC Social Services are contracted as sole traders or Ltd company's. What were they paid for the last financial year.
24. How many Judicial reviews have GCC Children's Social Services been subjected to in the last 5 years.
25. How many JR's were settled out of court.
26. How much money did Gloucestershire Children's Social Services pay in settlements out of court. Which legal firms and barristers did GCC use. How much was paid in legal fees.

27. How many Court cases has Gloucestershire Children's Services cases be subjected to since in the last 5 years. How many cases were settled out of court.
 28. Which legal firms and barristers did GCC use for these cases. How much was paid in legal fees. How much money did Gloucestershire Children's Social Services pay in settlements out of court.
 29. What was the annual salary for the former Head of Children's Services. What, if any, bonuses were paid annually. How much was paid in golden handshakes or special additional contributes were paid as severance payments of financial incentives.
 30. Again please accept my apologies for asking this question directly. What is your annual salary for your existing role at GCC.
 31. What, if any, bonuses will be paid annually. How much additional pension contribution will be paid to you.
 32. How much will you be paid in golden handshakes, special additional pension contributions or other financial incentives should you end your employment with Gloucestershire Children's Services.
 33. What were the termination of employment agreements for former employee [name redacted]. Why and when was and Social Worker Practise Licence revoked by Social Work England. What was the cost in legal fees to GCC related to legal challenges in relation to [name redacted] work whilst employed by GCC."
5. The Council refused to comply with the request citing section 12(1) (cost limit) of FOIA as its basis for doing so.

Reasons for decision

Section 12(1) – cost of compliance

6. This reasoning covers whether the Council is entitled to rely on section 12(1) to refuse to comply with the request.
7. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the

cost of complying with the request would exceed the appropriate cost limit. The appropriate limit for public authorities such as the Council is £450. As the cost of complying with a request must be calculated at the rate of £25 per hour, section 12(1) effectively imposes a time limit of 18 hours for the Council.

8. A public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request:
 - determining whether the information is held
 - locating the information, or a document containing it
 - retrieving the information, or a document containing it
 - and extracting the information from a document containing it

The Council's position

9. In its submissions to the Commissioner, the Council explained that in order to provide the information requested in parts 3, 4, 6 and 7 of the request, it would need to manually review the records for each of the 600 complaints it has received in the last year. It stated that it would have to manually review each record as the information requested in parts 3, 4, 6 and 7 of the request is not held in its corporate complaints electronic system in a reportable format. The Council estimates that it would take approximately 8 minutes to review each complaint record and extract the requested information and so in total, it calculated that it would take approximately 80 hours to provide the information requested in parts 3, 4, 6 and 7 of the request (600 complaints x 8 minutes = 80 hours).
10. The Council stated that the information requested in part 12 of the request would be held in its electronic social care recording system. However, it explained that whilst it is able to run a report of the system to identify cases that a particular caseworker was allocated to when a section 47 assessment was completed, and identify cases where a specific manager has signed off a section 47 assessment, it is unable to run a report to identify who carried out a section 47 assessment. Therefore, in order to provide the information requested in part 12 of the request, it would need to review every case where a section 47 assessment had taken place.
11. The Council explained that a section 47 assessment has taken place in 30,604 cases and so in order to provide the information requested in part 12 of the request, it would need to review each of those cases to establish if the individual named in the part 12 of the request has

completed the section 47 assessment. The Council estimates that it would take 5 minutes to review each case and so in total, it calculated that it would take 2550 hours to provide the information requested in part 12 of the request (5 minutes x 30,604 cases = 2550 hours). However, the Council also stated that it could reduce the number of cases that it would need to review if it were to limit its search to cases dating from when the individual named in part 12 of the request began working at the Council.

12. The Council stated that as the cost of complying with parts 3, 4, 6, 7 and 12 of request would exceed the appropriate limit, it is relying on section 12(1) of FOIA to refuse to comply with the whole request. Furthermore, it considers that whilst the cost of complying with each of the remaining parts of the request individually would not exceed the appropriate limit, the combined cost of complying with the remainder of the request would exceed the appropriate limit.

The Commissioner's position

13. The Commissioner notes that the Council has stated that it would need to review all 30,604 cases where a section 47 assessment has taken place in order to provide the information requested in part 12 of the request. However, the Council has also stated that it could reduce the number of cases that would need to be reviewed by limiting its searches to cases dating from when the individual named in part 12 of the request began working at the Council. Therefore, the Commissioner does not consider the Council's estimate of 2550 hours to provide the information requested in part 12 of the request to be reasonable as it would not be necessary for the Council to review 30,604 cases in order to provide the information.
14. However, the Commissioner considers the Council estimate of 80 hours to review the records of the 600 complaints received in the last year for the information requested in parts 3, 4, 6 and 7 of the request to be reasonable. Even if the Council were to take two minutes to review the record of each complaint, the cost of complying with parts 3, 4, 6 and 7 of the request would exceed the appropriate limit.
15. Therefore, the Commissioner's decision is that the Council is entitled to rely on section 12(1) of FOIA to refuse to comply with the request.

Section 16 – advice and assistance

16. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45

code of practice¹ in providing advice and assistance, it will have complied with section 16(1).

17. In its initial response to the request, the Council advised the complainant that some of the requested information may be available on its website. It provided the complainant with links to its disclosure log and some pages on its website that may contain information falling within the scope of the request. The Council also advised the complainant that parts 1, 5, 12 and 33 of the request are likely to engage section 40(2) (personal information) of FOIA.
18. In its internal review response, the Council advised the complainant that they could narrow the scope of their request by reducing the number of parts to the request or by limiting some parts of the request to a specific time period. The Council also informed the complainant that the information requested in parts 8, 9 and 10 of the request are likely to be held by the Social Care Ombudsman or Social Work England rather than the Council.
19. The Commissioner considers that this was an appropriate response in the circumstances. He is therefore satisfied that the Council met its obligations under section 16(1) of FOIA.

¹ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

20. 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

21. 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.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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