

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 16 January 2025

**Public Authority:** Leicester City Council  
**Address:** City Hall  
115 Charles Street  
Leicester  
LE1 1FZ

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information regarding the processes and provisions related to the Needs Assessment under the Care Act 2014. Leicester City Council (the Council) provided some information and guidance in scope of the request and cited sections 21 and 12 of FOIA to withhold the remaining information.
2. The Commissioner's decision is that the Council was entitled to rely on sections 21 and 12 of FOIA for information in scope of the request.
3. The Commissioner does not require any steps to be taken as a result of this decision.

## **Request and response**

---

4. On 7 June 2024, the complainant requested information from the Council. The full text of the request is contained in Annex A.
5. On 27 June the Council responded by answering each question and point in turn and included links to relevant data and citing section 21 of FOIA.
6. The complainant requested an internal review on 10 July 2024 as they believe the Council had not addressed the specific questions asked or provided specific examples and said: "In conclusion, the response provided by the Council does not adequately address the statutory requirements under the Care Act 2014 and the Care and Support (Eligibility Criteria) Regulations 2015 regarding needs assessments, particularly for individuals with ADHD." The internal review request broadened the scope of the original request resulting in the Council's consideration of section 12
7. The Council carried out an internal review on 9 August 2024 and added further context to its response as well as upholding its position with regard to section 21 also adding its reliance on section 12 of FOIA due to the broadened scope of the request.
8. Following the Commissioner's intervention the Council wrote to the complainant on 23 December 2024 providing further context to information in scope of the request.

## **Scope of the case**

---

9. The complainant contacted the Commissioner on 9 August 2024 to complain about the way their request for information had been handled.
10. The Commissioner considers that the scope of his investigation is to ascertain whether the Council was entitled to rely on sections 21 and 12 of FOIA to withhold information in scope of the request.

## **Reasons for decision**

---

### **Section 21 – accessible by other means**

11. Under section 21(1) of FOIA, information is exempt from disclosure if it's already reasonably accessible to the applicant.
12. Unlike most exemptions, the circumstances of the applicant can be considered, as the information must be reasonably accessible to the particular applicant.

13. It is reasonable for a public authority to assume that information is reasonably accessible to the applicant as a member of the general public until it becomes aware of any particular circumstances or evidence to the contrary.
14. The complainant has argued that the Council has failed to provide direct access to the specific information requested and fully answer the questions posed.
15. In its internal review response, the Council gave further explanation on the processes around FOIA and in relation to the provision of views or opinions, or the answering of questions posed. It is also explained that FOIA is not a route to make complaints about provision of services by the Council, as this should be done by other means.
16. During the Commissioner's investigation the Council was advised to consider if any further guidance may be available to the requester to enable them to access the information they had initially requested.
17. The Council wrote to the complainant on 23 December 2024 and provided further guidance and assistance to help enable the requester to access information in scope of their original request.
18. The Commissioner's guidance<sup>1</sup> says that "Information is in the public domain if it is easily, readily, and realistically accessible to the public. One example of this is information which can be easily found through a simple internet search. The information should also be available in practice and finding it should not require unrealistic persistence or efforts nor any specialised knowledge." This interpretation was established by the High Court of Justice in the landmark case of Attorney General v Greater Manchester Newspapers Ltd<sup>2</sup>.

### **The Commissioner's conclusion**

19. The Commissioner has reviewed both the complainant's requests and the Council's responses,
20. The Commissioner is unaware of any particular circumstances that may prevent the complainant from accessing information from the links provided and considers that it is 'reasonably accessible'.

---

<sup>1</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-21-information-accessible-to-the-applicant-by-other-means/#what>

<sup>2</sup> <https://www.bailii.org/ew/cases/EWHC/QB/2001/451.html>

21. On the evidence presented to him in this case, the Commissioner considers that the Council has complied with its obligations under FOIA. Therefore, the Council were entitled to rely on section 21 of FOIA.

## **Section 12 – cost of compliance**

22. This reasoning covers whether the Council is entitled to rely on section 12(1) of FOIA to refuse to provide information in scope of the request.
23. 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 limit” as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Fees Regulations”).
24. For public authorities such as the Council the appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 at £450 for public authorities.
25. The notional cost of the staff time needed to comply with a request must be estimated at a rate of £25 per person per hour. This means that section 12(1) of FOIA effectively imposes a time limit of 18 hours for the Council.
26. During the Commissioners investigation the Council set out the position that it considered this request against the cost limits in the Act with regard to the complainant extending the scope of their request asking for examples and documents to be provided in relation to each question.
27. The Council states that on 13th June 2024 it received a substantially similar request from the complainant and had aggregated the two requests as they:
  - are made by one person;
  - relate, to any extent, to the same or similar information; and
  - be received by the public authority within any period of 60 consecutive working days.
28. The Council went on to explain that it has provided a thorough response to the request for information. The Council estimates that this has already taken over 18 hours of time.
29. The Council further explained: “The responses were provided by the Head of Commissioning – Adult Social Care. The details of the activities the Officer has undertaken so far in relation to both requests are as follows:

- Collaborate with different colleagues which required other officers to review their files to locate the information.
- Reviewing folders on the Council's internal system, searching through files within folders.
- Searching the Council's website and other public sources of information including the LPT website.
- Searching through reports, papers, presentations, minutes of meetings that have been presented to the different Boards where information may be held.
- Reading through lengthy reports and strategies. This includes those linked, which in themselves total 6 documents and over 250 pages. Reviewing the relevant documents and determining that they are in scope alone would have taken approximately 5-6 hours of officer time assuming an average reading rate.

In order to provide a response to both requests, the Council would need to search through a further 176 individual documents. The Council has sampled 23 of those documents and they alone total 161 pages. Assuming therefore an average of 7 pages per document, the total number of pages to read would be 1232, in order to determine whether the information is contained within the document, and if so, extracting the relevant information.

Based on an average reading time of 2 minutes per page, the Council estimates that this would take over 41 hours of officer time.

As set out above, the combined time estimate for the two requests for information has already exceeded 18 hours of officer time. A further 41 hours of work would be required to provide the remaining information in the level of detail required".

30. The Council offered guidance on how the complainant may refine their request, however, this was no guarantee of bringing it within the cost limits.
31. The Commissioner's decision is that the request exceeds the threshold for section 12 and therefore, the Council is entitled to rely on section 12(1) of FOIA to refuse to comply with the request.

## **Section 16 – duty to provide advice and assistance**

32. Section 16 of the FOIA requires public authorities to provide reasonable advice and assistance to those making, or wishing to make, information requests. The FOIA defines specific scenarios where the duty to provide advice and assistance is triggered. One such scenario are instances where an authority applies section 12.

33. When a public authority refuses a request because the cost of compliance exceeds the appropriate limit, it should explain, to the requester, how they could refine their request such that it would fall within that limit. In some cases, it will be appropriate for the public authority to explain to the requester why their request cannot be meaningfully refined.
34. Having reviewed the Council's correspondence the Commissioner considers the Council provided appropriate advice and assistance that was reasonable in the circumstances. He is therefore satisfied that the Council complied with its obligations under section 16.
35. The Commissioner requires no further action to be taken by the Council in relation to the request.

## **ANNEX A**

"I am writing to request information under the Freedom of Information Act 2000. I seek detailed information regarding the processes and provisions related to the Needs Assessment under the Care Act 2014, with a specific focus on ADHD services and support. Please provide comprehensive information on the following points:

### **1. Needs Assessment Process under the Care Act 2014:**

- How does the Council ensure that the needs assessment process promotes individual well-being as outlined in the Care Act 2014?
- What specific measures are in place to prevent the escalation of care needs?
- How does the Council integrate care and support services with local health services to provide a cohesive support system?
- What systems are in place to provide information and advice to individuals about care and support services? How is this information made accessible to all individuals, including those with different needs and abilities?
- What steps does the Council take to ensure a diverse and high-quality range of care and support services?
- How does the Council co-operate generally and in specific cases to ensure comprehensive care and support?

### **2. Qualifications and Training of Case Workers:**

- What are the qualifications required for case workers conducting needs assessments?
- What specific training do case workers receive on neurodiversity, particularly ADHD?
- How does the Council ensure that case workers are up to-date with the latest best practices in ADHD support and care?

### **3. ADHD Services in Leicester:**

- What ADHD-specific services are available in Leicester for assessment, diagnosis, and ongoing support?
- How does the Council address the under-identification, under-diagnosis, and under-treatment of ADHD as highlighted in the paper "Failure of Healthcare Provision for Attention-Deficit/Hyperactivity

Disorder in the United Kingdom: A Consensus Statement" by Young et al. (2021)? Further Information: (2021)?

- What measures are in place to reduce long waiting lists and ensure consistent availability of ADHD services?

- How does the Council combat stigma associated with ADHD, both within healthcare services and in the broader community?

4. General Responsibilities of Local Authorities under the Care Act 2014: - Prevention: What services, facilities, and resources does the Council provide or arrange to prevent the development or escalation of care and support needs? How does the Council identify and support individuals and carers whose needs are not being met?

- Information and Advice: How does the Council ensure that comprehensive information and advice about care and support services are provided to local people? What formats are used to ensure that information is accessible to all, regardless of their needs?

- Shaping the Market of Care and Support Services: How does the Council engage with local providers and communities to develop a sustainable market of high quality care and support services? How does the Council ensure that these services promote the well-being of individuals and meet their diverse needs?

5. Assessment Criteria and Process:

- The assessment must be carried out by an appropriately trained assessor, such as a social worker. How does the Council ensure assessors are appropriately trained?

- How does the Council ensure that the assessment is comprehensive and involves the adult, their carer, or someone else they nominate? How is the need for an independent advocate determined and provided for during the assessment process?

- After carrying out the assessment, how does the local authority determine whether any of the needs identified are eligible for support?

6. Process from Application to Assessment and Outcomes:

- What is the process for an individual to apply for a needs assessment? Please provide a detailed breakdown from the initial application to the commencement of the assessment.



- How is the assessment conducted? What steps are taken to ensure the assessor gets a full picture of the person and their needs and goals?
- Once the assessment is completed, how does the Council determine the outcomes and the level of support required? What criteria are used to decide the eligibility and type of support provided?

The consensus statement by Young et al. (2021) emphasises the need for improved ADHD service provision, training for professionals, increased funding, and better communication between services. I would appreciate detailed responses to understand how Leicester City Council is addressing these critical issues.

Thank you for your attention to this request. I look forward to your prompt and comprehensive response.

Reference:

Young S, Asherson P, Lloyd T, Absoud M, Arif M, Colley WA, Cortese S, Cubbin S, Doyle N, Morua SD, FerreiraLay P, Gudjonsson G, Ivens V, Jarvis C, Lewis A, Mason P, Newlove-Delgado T, Pitts M, Read H, van Rensburg K, Zoritch B and Skirrow C (2021) Failure of Healthcare Provision for Attention-Deficit/Hyperactivity Disorder in the United Kingdom: A Consensus Statement. *Front. Psychiatry* 12:649399. doi: 10.3389/fpsy.2021.649399

## **Right of appeal**

---

36. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

37. 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.
38. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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