

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 July 2013

Public Authority: London Borough of Redbridge
Address: Town Hall
128-142 High Road
Ilford
Essex
IG1 1DD

Decision (including any steps ordered)

1. The complainant asked whether or not the public authority had acted in response to a list of recommendations which she appended to her request. The public authority provided four written responses to cover some of the points. It provided no recorded information to substantiate its comments. The Commissioner finds that the public authority breached sections 1(1) and 10(1) of the FOIA and he requires it to take the following steps to ensure compliance with the legislation:
 - it should provide a fresh response.
2. The public authority must take these steps 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 the Act and may be dealt with as a contempt of court.

Request and response

3. On 27 September 2012, the complainant wrote to the public authority and requested information in the following terms:

"Concern – my stage 2 / step 2 recommendations to date

... I have attached a list of recommendations made over the course of the previous year. I wish to know if they have been actioned (and if so when) and if they have not been actioned the reason for this and the person responsible for this decision (person accountable)".

The list referred to is appended to the end of this decision notice.

4. The public authority acknowledged the request on 9 October 2012. It provided four individual responses, between 10 October 2012 and 7 November 2012, as different business areas were responsible for different parts of the request. It made comments but provided no recorded information. It did not cite any exemptions. It did not respond to all parts of the request.
5. Following an internal review the public authority wrote to the complainant on 2 January 2013. It maintained its position, although it did comment that: *"... all four service areas should provide a more consistent format in their responses ... as to receive responses in slightly different formats may not have been helpful".*

Scope of the case

6. The complainant initially contacted the Commissioner on 18 December 2012 to complain about the way her request for information had been handled; this was prior to her receiving an internal review. Following the subsequent internal review, the Commissioner corresponded further with the complainant to clarify what she wanted him to consider.
7. In her correspondence the complainant referred to issues which are outside the Commissioner's jurisdiction. However, she did raise concerns about the lack of documentation provided by the public authority to substantiate its comments, which the Commissioner has considered below.

Reasons for decision

Section 1 – general right of access

8. Section 1(1)(a) of the FOIA provides that any person making a request to a public authority is entitled to be informed in writing whether it holds relevant information (except in certain circumstances).
9. Although some written responses were communicated to the complainant, it is the Commissioner's view that these did not constitute a formal response under the FOIA. In his view they are comments which attempt to respond to the queries raised, but they are unsubstantiated by any written documentation. Furthermore, they do not cover all parts of the request.
10. The correct approach for the public authority to have taken in response to the complainant's request would have been, first, to identify whether it held any recorded information which would provide a suitable response. Secondly, if it did hold this information, it should then have considered whether it was appropriate to disclose it.
11. It should then have responded to the complainant advising whether or not any information was held concerning each part of her request. Anything held should have been provided, unless it was found to be exempt from disclosure. If it was found to be exempt, a refusal notice explaining this should have been provided in accordance with section 17(1) of the FOIA.
12. The Commissioner's view is that the responses provided do not comply with section 1(1)(a) of the FOIA and he finds that the public authority is therefore in breach of this section. He requires it to make a fresh response.

Section 10 – time for compliance

13. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. As the public authority failed to provide a proper response under section 1(1)(a) of the FOIA the Commissioner further finds it has breached section 10(1) of the FOIA by failing to respond within the time for compliance.

Right of appeal

14. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

15. 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.
16. 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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

List of recommendations referred to in original request (with personal data redacted):

Recommendations to date:

Step 2 Ref Number: CSO747-1011

8.1 This case, in the main, pre-dates the structural changes within the LA which has seen introduction of RIP replacing EOTAS Panel.

Procedures and practices are no more robust.....

8.1 School should be reminded of the prevailing statutory guidance – “Access to Education for Children and Young People with Medical Needs”. 2001.

8.3 In recent months there has been national changes to the persistent absence is helpful. Changes the emphasis of national policy towards a “Prosecute” or “provide” culture gives a clear steer towards more joined up thinking and speedier decision making.

Ref CSO678-1011

1. Staff within the Children’s Trust or Children’s Services, when dealing with concerns raised by individuals, either written or verbal, must confirm whether they wish to have their issues dealt with as a complaint. That way there would be the opportunity for informal resolution, but it would be the individual’s choice as to how the issue should be addressed.
2. When access to records requires the printing of electronic version of forms, consideration needs to be given to how they will be received by the ‘service user’.
3. Consideration needs to be given to producing records in ‘print friendly’ versions.
4. A program of multi agency refresher training should be offered in relation to safe guarding children where FII is a feature.
5. Senior managers to ensure there is management oversight on all cases to avoid drift.
6. Team managers to ensure policies and procedures are followed and where issues /decisions are complex to refer cases to casework panel for an objective view of the case and where appropriate provide case direction.
7. Whilst there are procedures and clear guidance in place around information sharing, these should be regularly discussed in team meetings and individual training needs identified where necessary to ensure staff are fully aware of their responsibilities.

Ref CSO907-1011

8.1 That Redbridge attendance strategy is reviewed to provide clarification in relation to how and when EWS intervene.

8.2 That EWS work with schools to review how they work with parents and carers in jointly supporting children and young people with periods of unauthorised long term absences in their reintegration into school.

Complaint CSO944-1011

Awaiting this report (should be with the Adjudicating Officer)

CS1047-1011

Recommendations:

Reviewed implementation of policy that all Business Support Staff within child protection and early intervention must acknowledge receipt of or correspondence with the acknowledgement containing contact details of who the correspondence has been forwarded to for action