

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 01 June 2016

Public Authority: City of Wolverhampton Council
Address: Civic Centre
St Peters Square
Wolverhampton
WV1 1SH

Decision (including any steps ordered)

1. The complainant has requested the details of two particular posts within the Council which have responsibilities in respect of children in its care. The Council dealt with the request in respect to one of the post holders, but only communicated the information about the other post-holder during the course of the Commissioner's investigation. This was due to a misunderstanding over the scope of the request.
2. By failing to provide the requested information within twenty working days the Commissioner finds that the Council has breached section 10. However, as the Council has now provided the information in question the Commissioner does not require the public authority to take any further action.

Request and response

3. On 23 November 2015, the complainant wrote to the Council and requested information in the following terms:

"Can I have the name and contact details including the email for the manager directly responsible for the Children's Leaving Care Service.

Can I also have the same details for the post responsible for the service at third tier if different."
4. Unfortunately, although the request was received by the Council it was not then transferred to the appropriate department within the Council

which deals with freedom of information requests. The complainant therefore contacted the Council again on the 13 January 2016.

5. The Council responded on the same day, 13 January 2016. It stated that the information was exempt from disclosure under section 21 – information accessible to the applicant by other means. It provided the complainant with a link to where the requested information could be found on its website. The Commissioner understands that the link directed the complainant to an organisational chart which provided the details of post holders down to the level of the head of the 'Looked After Children' service. The only conclusion that could be sensibly drawn from this response was that the Council had identified the head of Looked After Children as the post-holder directly responsible for the Council's Children Leaving Care service. The complainant was sceptical that this was the case. He therefore queried this with the Council, again on the 13 January. The following day the Council confirmed that it had provided him with the right information.
6. Later the complainant made further requests for detailed organisational charts and job descriptions. These confirmed his suspicion that the Council had not provided him with the information he had sought in the first part of the request.
7. Once the Commissioner had contacted the Council over this matter it wrote to the complainant on 10 May 2016 and provided him with the missing information, ie the details of the of the post holder described in the first part of the request.

Scope of the case

8. The complainant contacted the Commissioner on 11 March 2016 to complain about the way his request for information had been handled. The complainant has not raised any concerns over the Council's handling of the second part of his request. His particular concern was that because the Council had failed to correctly identify the person he had described in the first part of his request it had failed to provide the details of that post holder.
9. However, during the course of the Commissioner's investigation the Council disclosed the details of that post-holder. The Commissioner therefore considers that the matter to be determined is whether, having provided its latest response, the Council dealt with the first part of the request in accordance with its obligations under FOIA.

Reasons for decision

Section 1 – General right of access

10. Section 1 of FOIA provides that any person making a request is entitled to be told whether the public authority holds the requested information and if so to have that information communicated to them.
11. It would appear that the problems with the handling of this request arose from a simple misunderstanding as to which post-holder the first part of the request was referring to. The Commissioner notes that as soon as the Council recognised it had misidentified the post-holder in question it went onto provide the relevant information.
12. The Council has explained to the Commissioner that the terminology used by the requester in the first part of his request is not that adopted by the Council. The relevant department, or service, within the Council is called 'Looked After Children'. It is responsible for those children in the care of the Council. The Council originally directed the complainant to information on the head of that service.
13. However the Looked After Children service is itself divided into a number of different teams, one of which is Looked After Children(LAC) - Transitions. It is this team which is responsible for working with children who are leaving, or have left the care of the Council. The person in charge of that team is the Senior Social Work Manager – LAC Transitions. It is the details of this post that the complainant is interested in.
14. The term 'Children Leaving Care' appears to be one which is commonly understood within social services and is used to refer to a local authority's obligations in respect of children who have been looked after by a local authority. There is a Children (Leaving Care) Act 2000.
15. Therefore the Commissioner considers the most natural reading of the request is that the complainant was seeking information on whoever was directly responsible for the team which provided services to children leaving the care of the Council. In the case of Wolverhampton City Council this was the Senior Social Work Manager – LAC Transitions. The Council does not dispute this to be the case.
16. Although the Council failed to provide these details when it initially responded to the request, it did provide the details of the correct post holder on 10 May 2016. The Commissioner therefore finds that the Council has now complied with its obligations under section 1.

Section 10 – time for compliance

17. Section 10(1) provides that a public authority should comply with a request promptly, in any event no later than the twentieth working following receipt of the request.
18. The Commissioner finds that the Council failed to comply with the request within twenty working days and therefore breached section 10(1).
19. However as the Council has now provided the requested information he does not require it to take any further action in this matter.

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.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.

Signed

Rob Mehan
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