

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 October 2018

Public Authority: Telford and Wrekin Council
Address: Darby House
Telford
Shropshire
TF3 4LF

Decision (including any steps ordered)

1. The complainant requested information regarding children who were referred to Telford and Wrekin Council's Children Abused Through Exploitation (CATE) service.
2. The Commissioner's decision is that Telford and Wrekin Council (the Council) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has now been provided, the Commissioner does not require the Council to take any steps.

Request and response

4. On 14 March 2018 the complainant wrote to the Council and requested information in the following terms:

"1/ Broken down year-by-year, how many referrals have been made to Telford and Wrekin Council's CATE team?"

(a figure of 58 has been published for 2016/17 and 68 for 2017/18, but I would like the figures for the previous financial years, going back to whenever CATE started)

2/ Can you tell me how many of those children were male and how many were female?

3/ Can you break those figures down further into ages (or if it's easier age-bands, e.g. 7-13, 14-15 etc.)

I'm aware the council has published some of these figures and will have figures for the previous years, but I'm after a complete set.

5. The Council acknowledged the request on the same day but failed to provide a response until 4 June 2018.
6. The complainant was not satisfied that the Council had provided all of the information within the scope of his initial request and, on 5 June 2018, he wrote to the Council again to clarify his request:

"I understand you can't tell me how many children were referred to CATE before 2011, but if your records post 2011 are stored electronically, could you break down those cases year-on-year for me? (One of my original requests). I doubt that would take you very long, you probably had the figures when you added them up to bring me the total."
7. The Council apologised for the ongoing delay on 16 and 17 August 2018. It provided its response on 3 September 2018.

Scope of the case

8. The complainant contacted the Commissioner on 29 August 2018 to complain about the Council's failure to respond to his information request.
9. On 12 September 2018 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The complainant wrote to the Commissioner on 13 September 2018 to confirm that while the Council had now provided its response he still wished to pursue his complaint about the time it had taken to respond.
11. The scope of this decision is therefore to consider the Council's compliance with section 10 of the FOIA.

Reasons for decision

12. 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."

13. Section 10(1) of the 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."*

14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

15. 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

16. 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.
17. 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

Ben Tomes
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