

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 February 2020

Public Authority: Kent County Council
Address: County Hall
Maidstone
ME14 1XQ

Decision (including any steps ordered)

1. The complainant requested information relating to the training provided to Council staff regarding autism training.
2. The Commissioner's decision is that Kent County Council ("the County Council") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the County Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The County Council 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 11 October 2019, the complainant wrote to Kent County Council and requested information in the following terms:

"I require information relating to the standard/level of training provided to, and the working knowledge of autism of social services employees working with autistic people across the autism team, the community team and the supported employment service. This is particularly relevant for anyone conducting needs assessments, including the determination of reasonable adjustments for service delivery, and those recording behavioural observations in client record cards."

6. The County Council acknowledged the request on 11 October 2019.
7. On 15 October 2019, the County Council requested clarification of the request.
8. The complainant replied with clarification on 15 October 2019.
9. The complainant chased the County Council for a response on 14 November 2019, and again on 18 November 2019.
10. The County Council had failed to provide a substantive response by the date of this notice.

Scope of the case

11. The complainant contacted the Commissioner on 18 November 2019 to complain about the failure by the County Council to respond to the request.
12. In line with her usual practice, the Commissioner contacted the County Council on 03 December 2019 to highlight the outstanding response. She requested that the County Council respond to the request within 10 working days. This correspondence was neither acknowledged nor responded to.
13. The scope of this notice and the following analysis is to consider whether Kent County Council has complied with section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of the 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.*

15. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

17. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

18. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the County Council has breached section 10 of the FOIA.

Right of appeal

19. 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

20. 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.
21. 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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