

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 December 2023

Public Authority: Southend-on-Sea City Council
Address: Civic Centre
Victoria Avenue
Southend-On-Sea
Essex
SS2 6ER

Decision (including any steps ordered)

1. The complainant requested information from Southend-on-Sea City Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step 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

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 25 October 2023, the complainant wrote to the public authority and requested information in the following terms:

1) Please provide the number of children assigned to a) Family Support and Child Protection 1 b) Family Support and Child Protection 2 c) Family Support and Child Protection 3 d) Family Support and Child Protection 4

2) Please provide a blank/template copy of all forms from your Liquid Logic System that are usually completed as part of a Supervision Order Review Meeting.

3) Please provide the equivalent or similar version to the document attached named "Template Permanence Planning Meeting".

4) Please provide information such as your guidance/strategy available to employees on the subject of Permanency and Care Planning. I have already viewed the page with the limited information that is available online via the tri-x Children Services Manual on this subject. To aid your response, please find attached as an example a response to this request from another Local Authority, Wigan.

5) To a previous FOI Request, I asked: What external services are available for employees within the Children's Social Care department to refer a substance misusing parent to? Your response: STARS (Southend Treatment and Recovery Service).

How many referrals were made by social workers to STARS (Southend Treatment and Recovery Service) in 2022 and 2023 to date of this request?

6) Please provide a copy of your internal guide or similarly named that assists the SAR team by detailing what searches should be undertaken of which locations, records and systems dependent on the scope and service area indicated within a requestor's SAR.

a. What Quality Assurances do you undertake of the responses to SARs prior to them being sent out?

b. In consideration of the ICO's Data Protection Audit Report of Sussex Police, does Southend Council formally document the approval process for the removal of personal and third party data that is exempt from disclosure? A documented quality assurance process would ensure a consistent approach to the application of exemptions and the removal of personal and third party data, across the appropriate team.

Link to report: <https://ico.org.uk/action-weve-taken/audits-and-overview-reports/sussex-police-2/>

7) Please provide a copy of all representations received relating to 20/00961/FUL Land Adjacent 383 Southchurch Road Southend-On-Sea Essex"

Reasons for decision

6. 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."

7. Section 10(1) of 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".

8. On 29 November 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

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

Right of appeal

11. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF