

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2013

Public Authority: Wirral Borough Council

Address: Municipal Buildings
Cleveland Street
Birkenhead
Merseyside
CH41 6BU

Decision (including any steps ordered)

1. The complainant has requested from Wirral Borough Council (the council), various details in relation to a disabled abuse case.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it has not provided a response to the complainant.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the complainant's information request.
4. 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

5. On 9 April 2013, the complainant wrote to the council on the *WhatDoTheyKnow.com* website and after providing some background information, requested information in the following terms:

"1. How many safeguarding cases, relating to disabled abuse have been identified so far. There was a mention of 16 disabled

vulnerable in different media. Please state.

2. How many cases have been successfully concluded.

3. How many are still pending?

4. What's the total amount of money which was paid back to disabled vulnerable residents, who had been overcharged for years. There's a mention of £700,000 in the media. Please confirm.

5. There was a case of rape, reported in the media when disabled abuse revelation by [name redacted] rocked the Wirral peninsula. Without naming the victim, please disclose what was the outcome of that police inquiry. Was the culprit punished for this heinous crime?

Referring to the old people (beyond the ages of 65 including all categories), please state the followings:

6. How many safeguarding cases were reported to DASS during [name redacted] tenure (2007 - 2010)

7. How many cases were vigorously pursued by DASS to successful completion.

8. How many culprits were found guilty and punished.

9. How many accused were exonerated due to lack of evidence, proof. List any other reason for not prosecuting the accused.

10. Please state, how many care homes/agencies were forcefully closed by DASS on allegations of abuse (financial, physical, sexual) without pursuing to successful conclusions for the aforementioned tenure.

And lastly, as the former WBC leader, [name redacted], publicly acknowledged in March 2012 and I quote "Everyone who should be held to account will be". Please state

11. How many DASS officers were held accountable for the malpractices, mentioned above? How many were punished? Please do mention what was their punishment."

6. The complainant requested an internal review on the 14 May 2013 as he had not received a response from the council.

7. The council acknowledged the request for an internal review on the 15 May 2013.
8. The complainant contacted the council again on the 18 June 2013 and 9 September 2013 as no response to the information request had been received from the council.

Scope of the case

9. The complainant contacted the Commissioner 9 September 2013 to complain about the way his request for information had been handled.
10. The Commissioner considers that the scope of the case is to determine whether the council has breached section 10(1) of the FOIA.

Reasons for decision

11. Section 10(1) of FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
12. The complainant has conducted his correspondence with the council through the *WhatDoTheyKnow.com* website and to date no substantive response has been received for either the request or the internal review request. The Commissioner has also received no response to his initial letter regarding the receipt of the complainant. In the absence of any evidence to the contrary the Commissioner is left with little choice but to conclude that a valid response to the request has not been sent to the complainant. The Commissioner's decision therefore, is that the council has breached section 10(1) of the FOIA as it has not provided a response within the 20 working day timeframe permitted by the FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Andrew White
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