

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 1 March 2016

**Public Authority:** Belfast Health & Social Care Trust  
**Address:** 1<sup>st</sup> Floor, Nore Villa  
Knockbracken Healthcare Park  
Saintfield Road  
Belfast  
BT8 8BH

### Decision (including any steps ordered)

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1. The complainant has requested information relating to children in the care of the Belfast Health and Social Care Trust ("the Trust"). The Trust disclosed most of the requested information but refused to disclose certain information citing section 12(1) as a basis for non-disclosure.
2. The Commissioner's decision is that the Trust has correctly applied section 12(1) in this case. The Commissioner requires no steps to be taken.

### Request and Response

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3. On 17 February 2015, the complainant wrote to the Trust and requested information relating to children in the care of the Trust. The wording of the exact request is set out in an Annex to this Notice.
4. The Trust responded on 23 March 2015. It disclosed the information requested in parts 1, 2, 3, 4, 10, 11, 12 and 13 of the complainant's request, refused to disclose the information in parts 5-9 and 14 of that request. The Trust stated that it considered that section 12 of FOIA (cost limit) applied to the information requested in parts 5-7 and 9 and that it could not comment anything relating to the information requested in parts 8 and 14 of the request.

5. Following an internal review of its responses to parts 8, 10, 11 and 14 of the complainant's request the Trust wrote to the complainant on 14 May 2015. It stated that it was upholding its original decision.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 19 June 2015 to complain about the way her request for information had been handled. The complainant asked the Commissioner to look specifically at the Trust's handling of question 8 of her request.
7. The Commissioner has considered the Trust's response to question 8 of the complainant's request.

### **Reasons for decision**

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#### **Section 12 – Exemption where cost of compliance exceeds appropriate limit**

8. Section 12(1) allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Regulations"). The appropriate limit for the Trust and public authorities outside of Central Government is £450.
9. The Regulations allow a public authority to charge the following activities at a flat rate of £25 per hour of staff time:
  - determining whether the information is held;
  - locating the information, or a document which may contain the information;
  - retrieving the information, or a document which may contain the information; and
  - extracting the information from a document containing it.

### **Part 8 of the complainant's request**

10. The Trust informed the Commissioner that it has no specific database to report on children's absences and potential sexual abuse investigations or those completed. It does however have an adverse incident reporting database which comprises reporting on a range of incidents from minor to serious. In attempting to answer this question, it has reviewed this database, which has taken 8 hours of work involving locating the information, retrieving it, extracting and sampling. This database highlighted less than 70 cases whereby the words 'missing from care' and 'sexual abuse' were related. However this figure does not explain or represent accurately if actual or potential sexual abuse may have occurred during this missing from care incident, for example, an incident may be recorded in terms of a young person having a history of sexual abuse or another person involved with them at the time of the incident may have been recorded as history or concerns of sexual abuse or activity.
11. Furthermore, the Trust informed the Commissioner that young people may disclose potential or actual sexual abuse sometime following a missing from care incident (perhaps several months or years later) and therefore this will not be included or captured on this database system as it specifically records the incident/information as it has happened at that particular time, and therefore this central incident reporting database would not capture such information. The Trust concludes that this central incident reporting database cannot provide accurate information to answer this question.
12. The Trust therefore reiterates its response following internal review that despite considerable efforts to quantify exact numbers related to any missing period would require extensive case file analysis. Therefore to collate this information accurately would incur prohibitive degrees of staff time significantly in excess of the 18 hour limit.

### **The Commissioner's conclusion**

13. Having considered the Trust's arguments the Commissioner is satisfied that the time needed to comply with the complainant's request is considerable and that the costs involved would massively exceed the appropriate limit. It is clear that due to the way in which the Trust's database operates and the way in which children's information is recorded on both the database and in case files it is far from straightforward to produce the information to the level of detail requested by the complainant. In fact it would be extremely burdensome.

14. The Commissioner has found that the Trust's estimate of the time taken to comply with the request is reasonable and only relevant costs have been taken into account. Moreover, the Trust's estimate has been informed by a detailed sampling exercise to gauge how long it would take to request and review individual records. In light of this the Commissioner has found that the cost of complying with part 8 of the request would exceed the appropriate limit and consequently section 12(1) has been correctly applied.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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** .....

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## Annex

The wording of the complainant's original request is as follows: -

1. How many residential children's homes does the South Eastern Health and Social Care Trust operate and where?
2. How many children live in each of these children's homes and/or how many children COULD live there if each of them was fully occupied?
3. How free are children to come and go in the Trust's children's homes? I imagine this may depend on their ages, so if you could spell out the rules/arrangements for the different age ranges I'd be very grateful.
4. On how many occasions over the past have children who live in one of the Trust's children's homes been unaccounted for?
5. For what sorts of periods of time have children been unaccounted for? (could you give as detailed a break-down as possible please?)
6. How did these periods of absence end, i.e. did the children return of their own volition? Were they traced by carers? Were they brought back by the police?
7. On how many occasions over the past five years were the police involved in helping to find children who were absent from their residential care home?
8. Are there any investigations of potential sexual abuse underway, or have any been completed, in relation to children's absences over the past five years?
9. Have any children been harmed during their absence?
10. In terms of security at children's homes have there been any intrusion incident's at any of the SET's homes in the past five years?
11. If there were could you give details of how many such incidents there were and what type of intrusion they involved?
12. What action has the Trust taken to prevent future such incidents?
13. Is the Trust content with the security measures and its monitoring of how children come and go at its children's homes? Or is it making changes, especially in view of recent revelations of child sex abuse across the UK?
14. Has anyone been convicted in relation to the abuse of a child in the Trust's care in the past TEN years?