

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 January 2018

Public Authority: Barnsley Metropolitan Borough Council

Address: PO Box 634,
Barnsley,
S70 9GG

Decision (including any steps ordered)

1. The complainant has requested information about studies and visits that have been conducted for the benefit of adult social care and wellbeing and safeguarding at Bollingbroke House Residential Care Home.
2. The Commissioner's decision is that Barnsley Metropolitan Borough Council (the Council) breached section 10(1) of the FOIA (time for compliance) in the handling of this request.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 3 July 2017, the complainant wrote to the Council and requested information in the following terms:

"Re: Bollingbroke House Residential Care Home
Common Road
Brierley
S72 9AE

Please provide all information so far as studies/visits that have been conducted solely by Adult Social Care representatives or in conjunction with other external organisations for the benefit of Adult Social care and Wellbeing and Safeguarding from 02/01/2016 to date."

5. The Council acknowledged receipt of the request on 7 July 2017, stating that it aimed to respond by 31 July 2017.
6. On 31 July 2017 the complainant wrote to the council to chase a response to her request.
7. The Council apologised for the delay and responded to the request on 4 August 2017.

Scope of the case

8. The complainant contacted the Commissioner on 17 October 2017 to complain about the way her request for information had been handled.
9. The Commissioner understood that the specific concern was about the time taken to respond to the request.
10. The Commissioner has considered whether the Council dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

11. Section 10(1) of the FOIA states that the public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt."
12. The request was made on 3 July 2017 and the response was not provided until 4 August 2017. The Commissioner therefore finds that the Council breached section 10(1) of the FOIA in failing to respond within 20 working days.

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: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

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