

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2019

Public Authority: Dorset Council
Address: County Hall
Colliton Park
Dorchester
Dorset DT1 1XJ

Decision (including any steps ordered)

1. The complainant requested information from West Dorset District Council ("the Council"), which has now been incorporated into the newly-restructured Dorset Council, about the procedures followed by the Council's Housing Team when dealing with homeless people.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and therefore breached section 10 of the FOIA – time for compliance.
3. As a response has now been provided, the Commissioner does not require the Council to take any steps.

Request and response

4. On 4 May 2018, the complainant wrote to the Council and requested information in the following terms:

"Please provide information on the following:

Under the Housing Act 1996 as amended by The Homelessness Act 2002, all local authorities have responsibilities to people who present as homeless, or are threatened with homelessness. When someone

presents as either homeless, or threatened with homelessness, what action does the council take to deal with this in the first instance?

When someone who is elderly and disabled presents as threatened with homelessness, what steps does the council take to act for someone in this situation? Would specific steps be taken to ensure they are not at risk by virtue of their age and health?

How many people have presented to the council Housing Team in either category (homeless or threatened with homelessness) in each of the months February, March and April 2018? How many of these were seen by a housing officer? How many were offered temporary accommodation? How many were people of pensionable age (ie elderly) what was the outcome for each of these individuals? What other action was taken for individuals not offered temporary accommodation?"

5. On 12 July 2018, the Council responded and provided some general explanation of its procedures, and statistics for February, March and April 2018.
6. The complainant requested an internal review on 13 July 2018. He queried the accuracy of the information which had been provided to him. In particular, he cited the case of a homeless woman who had been "*denied a meeting, or interview, to discuss her situation*". He also queried how the Council had calculated individuals being "*of pensionable age*".
7. On 11 September 2018, the Council stated that it could not comment on the specific homeless woman's case as it did not know her identity.
8. On 15 September 2018, the complainant reminded the Council that he was waiting for a response to his internal review request under the FOIA.
9. On 13 December 2018, the Council issued its internal review response. It provided some further explanation of its normal procedures. It stated that "*there are no written guidelines that the council follow should the applicant be someone who is elderly or disabled because each case is treated on its merits. The council need to be mindful as someone who is elderly or has a disability may be regarded as a person who is vulnerable by virtue of their age or disability. The officers have to have regard to the statutory Homelessness Code of Guidance (which can be found online at MHCLG)*".
10. Some further detail of statistics was also provided.

Scope of the case

11. The complainant contacted the Commissioner on 24 October 2018 to complain about the way his request for information had been handled. At this stage, he was waiting to receive the outcome of the Council's internal review.
12. During the course of the investigation, the complainant has accepted the Commissioner's view that (on the balance of probabilities) the Council subsequently, in its internal review response, provided him with all of the information it held falling within the scope of the request. As the complainant is aware, the Commissioner does not have a remit to investigate the accuracy of the information.
13. The complainant asked the Commissioner to consider whether his request was handled in line with the procedural requirements of the FOIA and this notice covers whether the Council replied to the request within the statutory time for compliance.

Reasons for decision

Section 10 – time for compliance

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 10(1) of the FOIA states 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.
16. From the evidence presented to the Commissioner in this case, it is clear that the Council did not issue its response to the request of 4 May 2018 within the statutory timeframe.
17. The Commissioner's decision is that the Council breached section 10(1) of the FOIA. As a response has now been issued, the Council is not required to take any steps.

Other matters

18. The Council provided an internal review five months after it had been requested by the complainant, and furthermore issued it in error to the ICO and not to the requester. The Commissioner expects the Council to take no longer than the maximum 40 days set out in her guidance to conduct an internal review. She is aware that issues of timeliness are being addressed by the Council following the recent re-structuring.

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@justice.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
Team Manager
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Wycliffe House
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Cheshire
SK9 5AF**