

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 April 2020

Public Authority: London Borough of Wandsworth
Address: The Town Hall
Wandsworth High Street
London
SW18 2PU

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Wandsworth (the London Borough) regarding "LADO referrals".
2. The Commissioner's decision is that the London Borough failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. As a response has since been issued to the request, the Commissioner does not require any remedial steps be taken by the London Borough.

Request and response

4. On 16 December 2019, the complainant wrote to the London Borough and requested information in the following terms:

"I am serving you with [...] A Freedom of Information Act Request requiring you to disclose the total number of LADO referrals and the total number of adverse LADO findings for this year to-date and for the previous four years"

5. The London Borough acknowledged the request on 9 January 2020.
6. A response was issued to the request on 27 January 2020.

Scope of the case

7. The complainant contacted the Commissioner on 21 January 2020 to complain about the failure, by the London Borough, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the London Borough on 7 February 2020 to highlight the outstanding response. She requested that the London respond to the request within 10 working days, or otherwise confirm that a response had been issued.
9. The London Borough contacted the Commissioner the same day to provide a copy of their 27 January 2020 response to the request.
10. The complainant contacted the Commissioner on 11 March 2020 to request a decision notice considering the delays in this response.
11. The scope of this notice and the following analysis is therefore to consider whether London Borough has complied with section 10 of the FOIA.

Reasons for decision

12. 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.

13. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided *"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, in failing to issue a response to the request within 20 working days, the London Borough has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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

Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF