

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 22 March 2022

**Public Authority:** Warrington Borough Council  
**Address:** Town Hall  
Sankey Street  
Warrington  
WA1 1UH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Warrington Borough Council (“the Council”) relating to individuals living in supported living and residential care settings with learning disabilities. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner’s decision is that the Council has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step 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

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5. On 17 December 2021, the complainant wrote to the Council and requested information in the following terms:

"Please accept this data request under the Freedom of Information Act as a Freedom of Information Request (below and attached).

This request seeks to collect data for individuals living in Supported Living and Residential Care settings with Learning Disabilities and should include those with Learning Disabilities and Autism. We are not asking for information related to those with only Autism who do not have a Learning Disability. If the data you return is not in keeping with this requirement, please explain so it can be noted if you have included those with Autism only in your response.

LD Supported Living:

1. Please complete the following table with the information requested and state the period the data relates to. The data period for the data below should include the latest full calendar month for which this data is available within the last 3 months. Please confirm the month the data is related to

(2021)

Category	Mean Number of Hrs per week	Mean hourly rate paid	Median hourly rate paid	Lowest Hourly rate paid	Highest hourly rate paid
Hours provided during the day					
Wake hours provided during the night					
Sleep-ins provided					

Residential LD Care:

2. Please complete the following table with the information requested for the period stated. The data period for the data below should include the latest full calendar month for which this data is available

and consist of 6 months data in total. Please confirm the period the data is related to

(2021 Residential)

Category	Mean rate paid	Median rate paid	Lowest rate paid	Highest rate paid
Placements within the last 6 months				
Placements in home longer than 6 months				
Current total placements today				

(2021 Residential Care with Nursing)

Category	Mean rate paid	Median rate paid	Lowest rate paid	Highest rate paid
Placements within the last 6 months				
Placements in home longer than 6 months				
Current total placements today				

3. Please outline the 2022-23 timeline for Supported Living and Residential LD care fee uplifts. Please include the process undertaken to establish provider costs, the internal review process and any benchmarking process undertaken, stating the decision makers, and timeline up to and including engagement and communication with providers through to applying any uplift agreed.
4. Please provide the annual fee uplift information below for the last 5 years:

(Supported Living)

Year	Percentage uplift	Number of Providers receiving this uplift	Number of Individuals receiving this uplift
2021-22			
2020-21			
2019-20			

(Residential Care)

Year	Percentage uplift	Number of Providers receiving this uplift	Number of Individuals receiving this uplift
2021-22			
2020-21			
2019-20			

(Residential Care with Nursing)

Year	Percentage uplift	Number of Providers receiving this uplift	Number of Individuals receiving this uplift
2021-22			
2020-21			
2019-20			

6. The complainant wrote to the Council again on 17 December 2021 to clarify their request. They provided the following clarification:  
 "Please note this request is for Adults 18-65 only."
7. The Council wrote to the complainant on 21 December 2021 to acknowledge the request. By the date of this notice, the Council has not provided the complainant with a substantive response to their request.

**Scope of the case**

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8. The complainant contacted the Commissioner on 28 February 2022 to complain about the Council’s failure to respond to their request.
9. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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10. 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.”

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

12. On 3 March 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

13. Despite this intervention, the Council has failed to respond to the complainant.

14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.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 .....**

**Catherine Fletcher**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**