

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 June 2023

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested information relating to government action being taken regarding the neurological disorder Apraxia of speech. By the date of this notice the Cabinet Office had not issued a substantive response to this request.
2. The Commissioner's decision is that the Cabinet Office has breached section 10(1) of 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 Cabinet Office to take the following step to ensure compliance with the legislation.
 - The Cabinet Office must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Cabinet Office 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 3 January 2023, the complainant wrote to the Cabinet Office and requested information about the currently non-curable condition of Apraxia of Speech. They requested information in the following terms:
- “1. What financial provision is the government currently making for the condition?
 - 2. How many specialist units are there currently dealing with this condition, and where are they located?
 - 3. How many sufferers are currently being assisted across what age groups, and what does this represent in terms of latent capacity?
 - 4. Is any one Department responsible for marshalling the contributions of clinicians, social services, education, child development etc, in raising awareness of the condition and how best to address it?
 - 5. Are there material plans in place to improve the prevailing situation?”
6. After the Commissioner contacted the Cabinet Office on 17 May 2023, the Cabinet Office wrote to confirm that they were now in receipt of this request and would provide a substantive response within 20 working days. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of 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.”
8. Section 10(1) of 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”.

9. Despite the Commissioner's intervention with regard to this information request, the Cabinet Office has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the Cabinet Office did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Cabinet Office 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 FOIA.

Right of appeal

11. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Michael Lea
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