

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

### **Decision notice**

**Date:** 8 September 2023

**Public Authority:** Southend-on-Sea City Council  
**Address:** Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex  
SS2 6ER

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

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1. The complainant requested information from Southend-on-Sea City Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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**

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5. On 8 July 2023, the complainant wrote to the public authority and requested information in the following terms:

"This is a request for information pursuant to the FOIA 2000 for the following;

1) Please supply information relating to what financial assistance the Local Authority provides to a person(s) with parental responsibility caring for a child subject to an Interim Care Order and copy of your template form used for a means tested, financial assessment of the person(s) with parental responsibility eligibility and need for financial assistance which is commonly how other Local Authorities determine what support is needed, if any.

2) In relation to the Children's Social Care department, in what circumstances and the maximum size/sum of money is acceptable to be given as cash to the recipient person responsible for caring for the child

3) Some Local Authorities provide financial assistance using an electronic voucher code that can be obtained from specific retailers. Please advise if you do and if not, whether you have any plans to introduce this.

4) Please provide your template / commonly used document for capturing the recipient's signature used to confirm they have received the stated amount of money if paid to them in cash. Please see attached document as an example of what I am seeking.

5) Please inform the number of completed forms as described above that you hold for the annual year 2022

6) Please provide the name of your finance officer with oversight/involvement of the budget used to provide financial assistance to person(s) with caring responsibilities for a child."

## **Reasons for decision**

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6. 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.”

7. 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”.
8. On 14 August 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**