

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 August 2021

Public Authority: London Borough of Croydon
Address: Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Decision (including any steps ordered)

1. The complainant requested information from London Borough of Croydon ("the Council") regarding local authority spending on schools on educational placements of any young people aged 19 or under with educational health care plans.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 26 November 2020, the complainant wrote to the Council and requested information in the following terms:

"I am writing to request information under the Freedom of Information Act 2000. I would like to receive information regarding Croydon local authority spending on schools on educational placements of any young people aged 19 or under with educational health care plans.

Specifically, I would like to receive a list of local authority schools in this borough and their type (e.g. Specialist/Academy/Mainstream/Independent/Unit/ELP/PRU etc) followed by: -

*Pupil numbers in 2019/20/21 academic year at each school
Funding allocated for the 2019/20/21 academic year per school in £
Cost per child with SEN 2019/20/21 academic year per school in £.*

*Pupil numbers in 2019/20/21 academic year at each school
Funding allocated for the 2019/20/2119 academic year per school in £
Cost per child with SEN 2019/20/21 academic year per school in £"*

6. On 30 November 2020 the Council wrote to the complainant to acknowledge the request.
7. On 4 January 2021, as the complainant had not received a response, they contacted the Council to ask for an update on the status of the request. On 8 January 2021 the Council wrote to the complainant and apologised for the delay in its response.
8. The complainant wrote to the Council again on 20 January 2021, 29 January 2021, and 20 July 2021 to ask for an update on the status of the request. On 16 February 2021 and 25 March 2021 the complainant also contacted the Council to ask for an internal review. On 28 July 2021 the Council wrote to the complainant and apologised again for the delay in its response.
9. By the date of this notice, the Council had not provided a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 10 June 2021 to complain about the Council's failure to respond to the request.
11. The Commissioner contacted the Council on 23 July 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. The Commissioner's correspondence was neither acknowledged nor responded to.
12. The Commissioner also contacted the complainant on 23 July 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
13. The complainant has provided evidence that they have received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to their information request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

15. 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.*

16. 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.*"
17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Sarah Clouston
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF