

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 September 2023

Public Authority: City of Bradford Metropolitan District Council
Address: City Hall
Centenary Square
Bradford
West Yorkshire
BD1 1HY

Decision (including any steps ordered)

1. The complainant submitted a request to the City of Bradford Metropolitan District Council (the Council) for information relating to direct care payments.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any information within scope of the request and has therefore complied with section 1(1) of FOIA.
3. The Commissioner does not require further steps as a result of this decision notice.

Request and response

4. On 7 May 2023, the complainant wrote to the Council and requested information in the following terms:

"On the 14th of November 2018, a user by the name of [redacted] made the following request via the WhatDoTheyKnow website:

<https://www.whatdotheyknow.com/request/d...>

On the 27th of December 2018, you had responded to the questions put to you.

I would now like to put to the Council the very same questions once again but to shift the time range of the enquiry period, in order to update this enquiry.

Q1. How many times has a resident of the L.A been done for fraud against them and fined or jailed covering the period from December 2018 until May 2023. This relates to direct care payments.

Q2. How many of these was safeguarding relatives like the mental health act does under a section. or when the office of the public guardian takes power.

Q3. Do you have numbers of fraud cases where the accused have never spent the money."

5. A response was provided on 24 May 2023, in which the Council confirmed that the answer to all questions was zero.
6. Upon receiving this response, the complainant submitted a supplementary request, on 26 May 2023:

"Please can you kindly confirm in the affirmative that over the last decade or so, from 2012 onwards, you have only ever had one case which has met the criteria of the FOI questions asked of you and resulted in a criminal conviction?"

7. The Council sought clarification and the complainant responded on 9 June 2023 stating:

"As you have sort further clarity I would like to extend the timeframe further back to commence from 2017 to the present. So I need you to confirm that the following updated enquiry is correct:

Q1. How many times has a resident of the L.A been done for fraud against them and fined or jailed covering the period from 15 January 2007 (the date the Fraud Act 2006 became law) until end of May 2023. This relates to direct care payments.

Is your revised response now: One?

Q2. How many of these was safeguarding relatives like the mental health act does under a section or when the office of the public guardian takes power.

Is your revised response now: One?

Q3. Do you have numbers of fraud cases where the accused have never spent the money.

Is you revised response now: One?"

8. On 13 June 2023, the Council provided a response, in which, in relation to questions one and two, it stated that the answer was one, and in response to question three it confirmed that the information was not held.
9. Upon receiving this response, the complainant asked the Council to conduct an internal review on 13 June 2023 and on 16 June 2023, the Council provide its internal review response and confirmed that in relation to question one, the answer is zero and that the answers to questions two and three were not applicable/not held.

Scope of the case

10. The complainant contacted the Commissioner on 16 June 2023 to complain about the way their request for information had been handled.
11. As the complainant has informed both the Council and the Commissioner that their complaint centres on the response provided in relation to question three, the Commissioner considers that this is the scope of his investigation.

Reasons for decision

Section 1 (Held/Not Held)

12. 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.

13. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information, in relation to question three.
14. In submissions to the Commissioner, and in its internal review, the Council explained that it is unable to "ratify that money was never spent".
15. The Commissioner clarified this with the Council, for in the previous request, mentioned by the complainant, it had responded to the same question and confirmed that the answer was one.
16. The Council explained that the response to the request in 2018, was an inaccuracy, and it should have stated not held. It also confirmed that it provided the complainant an explanation of this and apologised for the inaccuracy.
17. The Commissioner notes the complainant's comments that they looked to "seek clarity by connecting both the 2018 and 2023 FOI's to have the FOI disclosures confirmed as complete, consistent and comprehensive", and he understands the confusion caused by the varying responses. However, the Commissioner does accept the Council's position that it cannot prove that money was never spent, and that through its submissions it has now adequately addressed this.
18. On the balance of probabilities, the Commissioner is satisfied that the Council does not hold any information falling within scope of question three and that it has complied with section 1(1) of FOIA.

Right of appeal

19. 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

20. 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.
21. 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

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