



Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 26 April 2006

Public Authority: Commission for Social Care Inspection

**Address: 33 Greycoat Street
London
SW1P 2QF**

Summary Decision and Action Required

The Commissioner's decision in this matter is that the Public Authority has not dealt with the Complainant's request in accordance with Part I of the Act in that it has failed to provide a proper response to the request within the statutory timescale.

Although the Commissioner's decision is that there was a failure to comply with this requirement, in view of the fact that a response has now been given to the request, no remedial action is required.

1. Freedom of Information Act 2000 (the 'Act') – Applications for a Decision and the Duty of the Commissioner

1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the Complainant's request for information made to the Public Authority (the 'Authority') has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the 'Act').

1.2 Where a complainant has made an application for a decision, unless:

- a complainant has failed to exhaust a local complaints procedure, or
- the application is frivolous or vexatious, or
- the application has been subject to undue delay, or
- the application has been withdrawn or abandoned,

the Commissioner is under a duty to make a decision.

- 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a notice of his decision on both the complainant and the public authority.

2. The Complaint

- 2.1 The Complainant has advised that, on 2 March 2005, she requested information from the Authority relating to her complaint about [name of school] in accordance with section 1 of the Act.

3. Relevant Statutory Obligations under the Act

Section 1(1) provides 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.”

Section 10(1) provides that –

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt”.

4. Review of the case

The complainant has now received a response to the request for information. In the light of this and the fact that there are no steps that the Commissioner could specify to ensure compliance, he could have taken the view that the complaint was “frivolous”, that is “serving no useful purpose”, or more generally that there would be no public interest in serving a notice. However, in this particular case the Commissioner has served a notice because he stated in writing on 11 January 2006 that he would do so.

The Commissioner’s investigation has established the following sequence of events:

The complainant submitted a request on 2 March 2005. On 23 June 2005, the Authority wrote to the complainant offering a choice of dates on which she could view the requested information at one of the Authority’s local offices. The complainant responded on 23 June 2005 stating that her preferred date was 28 June 2005. The Authority wrote to the complainant on 24 June 2005 confirming that

her chosen date was suitable. The complainant viewed the information on 28 June 2005. Therefore, the Authority did not response within 20 working days.

The only issue considered by the Commissioner has therefore been the matter of whether the response to the complainant’s request was given within the statutory timescale.

5. The Commissioner's Decision

5.1 The Commissioner's decision in this matter is that the Public Authority has not dealt with the Complainant's request in accordance with the following requirements of Part I of the Act:

Section 10(1) - in that it exceeded the statutory time limit for responding to a request made under section 1(1).

6. Action Required

6.1 In light of the fact that the information requested has now been provided, the Commissioner does not require any remedial steps to be taken.

7. Right of Appeal

7.1 Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

7.2 Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 26th day of April 2006

Signed

**Phil Boyd
Assistant Commissioner**

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**