

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2012

Public Authority: Wolverhampton City Council
Address: Civic Centre,
St Peter's Square
Wolverhampton
WV1 1SH

Decision (including any steps ordered)

1. The complainant requested information in respect of Wolverhampton City Council's (WCC) expenditure on Adopted Child Support Allowance, grants to adoptive parents and reimbursement of costs for prospective adoptive parents for the financial year from 2010-2011.
2. The Commissioner's decision is that WCC did not deal with the request in accordance with the Freedom of Information Act, 2000 ('the Act').
3. The Commissioner requires the public authority to comply with section 1(1) of the Act by either:
 - Confirming whether the requested information is held, and if so, disclosing it to the applicant, or
 - Issuing a valid refusal notice in accordance with section 17.
4. The public authority 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 26 July 2011 the complainant wrote to WCC and requested information in the following terms:

"Please can you quantify your Council's expenditure during the 2010-2011 financial year on EACH [complainant's emphasis] of the following, -

First, Adopted Child Support Allowance, (i.e. adoption support allowance)

Second, Grants to Adoptive Parents to purchase furniture, equipment, etc, prior to the adopted children's arrival.

Third, prospective Adoptive Parents expenses, e.g, Court/Lodgings of Adoption Order Fees, mileage, reimbursement of loss of earnings when attending Court, meals and hotel accommodation when visiting a prospective adoptive child in its Foster Home, etc.

Each Council will have its own rules in respect of allowable expenses. Please can you list the things that your Council pays for."

6. The complainant has requested a response to her request on five separate occasions between August 2011 and October 2011. WCC has not provided a response

Scope of the case

7. The complainant contacted the Commissioner to complain about the way her request for information had been handled. The complainant is concerned that she has not had a response to her request.
8. The Commissioner considers that WCC has not responded to this request in accordance with the Act.

Reasons for decision

9. Section 1(1) of the Act requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant. Alternatively, a public authority can issue a refusal notice compliant with section 17 of the Act. Where the public authority is refusing to provide information under any exemption in Part II of the Act, the public authority should cite the specific exemption(s) that it is relying on to refuse the request.
10. The Commissioner understands that the Council has not issued a formal response in compliance with section 17 of the Act. The Commissioner requires the Council to confirm to the complainant whether it holds the information falling within the scope of his request. If so, it should either

Reference: FS50426423

disclose the information to the complainant or issue a valid refusal notice.

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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

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