

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 June 2016

Public Authority: London Borough of Waltham Forest

Address: Waltham Forest Town Hall

Forest Road

Walthamstow

E17 4JF

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Waltham Forest ("the Council").
2. The Commissioner's decision is that the Council has breached section 1 and section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - issue a response to the request dated 25 November 2015.
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 Act and may be dealt with as a contempt of court.

Request and response

5. On 25 November 2015, the complainant wrote to the Council via the [whatdotheyknow](http://whatdotheyknow.com) website and requested information in the following terms:

"What policies/protocols does this council have in assisting males and their children fleeing from domestic violence/abuse from their female partners, such as rehoming the male and his children".
6. The complainant did not receive a response to his request and subsequently asked for an internal review on 23 December 2015.

7. The Council acknowledge the request on 6 January 2016. However, to date the complaint has not received a response.

Scope of the case

8. The complainant contacted the Commissioner on 20 April 2016 to complain about the way his request for information had been handled.
9. The Commissioner contacted the Council on 10 May 2016 and asked it to respond to the request. A further email was sent to the Council on 26 May 2016 in which he asked the Council to respond by 3 June 2016. However, a response has still not been issued.
10. The Commissioner has therefore had to consider whether the Council has complied with section 1 and section 10 of the FOIA.

Reasons for decision

11. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
12. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
13. The Commissioner notes that the complainant's request for information was made via the whatdotheyknow website on 25 November 2015. To date he has not received any information or a valid refusal notice from the Council. From the information provided to the Commissioner in this case it is evident that the Council did not respond to the complainant under FOIA within the statutory time frame and therefore it has breached section 10(1) of FOIA.
14. The Council has not confirmed that it holds information within the scope of the complainant's request and has not to date provided any information in relation to that request. Therefore it has breached section 1(1) of FOIA.
15. The Commissioner requires the Council to take the steps set out in paragraphs 3 and 4.

Right of appeal

16. 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: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Rachael Cragg
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