

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 June 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 various information relating to social care and housing from the London Borough of Croydon (the Council). The Council had failed to provide a substantive response by the date of this notice.
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, in accordance with its obligations under the FOIA, to the request.
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 6 April 2021, the complainant wrote to the Council and requested information in the following terms:

"FREEDOM OF INFORMATION NOTICE DATED THE 6th April 2021

- 1. Define social care.*
- 2. Define accountability statutory Duties pursuant to social care and the law.*
- 3. Please confirm since 2014 how many registered disabled people are involved in each decision on each case.*
- 4. How many registered victims of Hate Crime notified to Croydon Council pursuant to disability and abuse since 2014 and advise all steps taken by the council thereto.*
- 5. How many claims made to the Croydon Council for neglect since 2014.*
- 6. Please provide full particulars of the social workers qualifications and professional experience and in which fields to include Neurological and cardiac since 2014 involved in my case.*
- 7. Please provide full particulars of the Occupational therapist registration numbers and Governing bodies and in which fields to include Neurological and cardiac since 2014 involved in my case.*
- 8. Please provide full particulars of all medical officers qualifications and professional experience and in which fields to include Neurological and cardiac since 2014 involved in my case.*
- 9. Please provide full particulars of all staff who assessed my case registration numbers and Governing bodies and in which fields to include Neurological and cardiac involved in my case.*
- 10. Please provide full particulars of all family link officers qualifications and professional experience and in which fields to include Neurological and cardiac involved in my case.*
- 11. Please provide full particulars of all housing officers qualifications and professional experience and in which fields to include Neurological and cardiac involved in my case.*

12. Please provide full particulars of all officers qualifications and professional experience and in which fields to include Neurological and cardiac involved in my case.

13. Please provide full particulars of the CEO, Leader of Croydon Council previous and past leader and CEO qualifications and professional experience and in which fields to include Neurological and cardiac since 2014 involved in my case.

14. Please provide full particulars of all management who assessed the case registration numbers of the relevant governing bodies qualifications and professional experience and in which fields to include neurological and cardiac since 2014.

15. Please confirm date the family link department was closed and steps taken to advise me.

16. Please provide full details of all registered disabled people rehousing pursuant to the representations made by Croydon Council in respect of safe housing since 2014

17. Please provide full particulars of the insurance company of Croydon Council and reference number to the serious complaint. Please confirm the contributions which are made from the Council tax. Full particulars to include all claims made under neglect and willful failings of Croydon Council since 2014

18. Please provide the registration number and full details of the insurance policy and date insurers notified of case since 2014.

19. Please confirm the professional qualifications and experience pursuant to Croydon Council's own leaflet "Staying safe from abuse" since 2014.

20. Please confirm how many registered disabled people pay the full council tax and surcharge since 2014.

21. Please confirm how many registered disabled people pay the full council tax and surcharge and receive no care or support since 2014.

22. Please confirm salaries and all expenses of the Leader of Croydon Council, CEO, Managers, Social workers, Family Link officers and expertise and experience for cardiac and Neurological since 2014.

23. Please confirm salaries and all expenses of the previous Leader

of Croydon Council, CEO, Family Link officers and expertise and experience for cardiac and Neurological who have had conduct with residents, registered for disability since 2014.

24. Please confirm salaries and all expenses of the Leader of Croydon Council, CEO, Managers, Social workers, Family Link officers and expertise and experience for cardiac and neurological who have had conduct with residents, registered for disability, under the "staying Safe from Abuse "Croydon Council leaflet dated March 2013 since 2014.

25. Please confirm how many cases of abuse, status dealt with and time frame in accordance with the law since 2014.

26. Please confirm qualifications of those employees in the referral team department referred on the aforesaid leaflet department and experience since 2014 .

27. Please confirm if Croydon Council self-investigate abuse claims made pursuant to the above.

28. Please define the Housing Act.

29. Please confirm how many serious case reviews in respect of disability since 2014.

30. Please confirm the statutory duties of the council in respect of safety.

31. Please define Human Rights Act and statutory duties thereof.

32. How many registered disabled residents have been moved into suitable and safe housing pursuant to the law since 2014.

33. Please define Habitable Homes Act and statutory duties thereof.

34. Please define accountability to include financial accountability.

35. Please define Harassment Act and statutory Duties thereto.

36. Please define BINI and statutory duties thereof.

37. Please define Equality Act and statutory duties thereof.

38. Please define Croydon Council's statutory Duties.

39. Please define staying Safe from abuse form of Croydon Council

and statutory duties thereof.

40. Please confirm how many disabled residents received assistance during the lockdowns for Covid known to Croydon Council since 2014.

41. Please define director of Housing job description and Statutory Duties thereto pursuant to habitable Housing, Housing Act and Care act and all relevant law.

42. Please define director of Social services job description and Statutory Duties thereto pursuant to habitable Housing, Housing Act and Care act and all relevant law.

43. Please define director of Occupational Therapy job description and Statutory Duties thereto pursuant to habitable Housing, Housing Act and Care act and all relevant law."

6. After being contacted by the Commissioner on 11 June 2021, the Council acknowledged the request on 23 June 2021 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 2 May 2021 to complain about the failure, by the Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 11 June 2021 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days.
9. The Commissioner notes that parts 6-13 and part 15 relate to the personal data of the complainant. Accordingly they are not subject to FOIA and should be dealt with as a subject access request under the Data Protection Act 2018. The remainder of the request falls within the scope of this notice.
10. 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

11. 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.*

12. 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.*"
13. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

Other matters

14. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.

Right of appeal

15. 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

16. 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.
17. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF