

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 3 March 2022

**Public Authority:** London Borough of Bromley  
**Address:** Stockwell Close  
Bromley  
Kent  
BR1 3UH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the London Borough of Bromley (the Council) about contracts between social care providers and the Council in each of the calendar years 2019, 2020, and 2021 to date. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step 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 FOIA and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 12 October 2021, the complainant wrote to the Council and requested information in the following terms:

"Under the Freedom of Information Act, please could you provide me with information about the number of contracts between social care providers and the council that have been withdrawn from or handed back by the provider in each of the calendar years 2019, 2020, and 2021 to date.

Please provide a breakdown for each year (or part year) for the number of handed back contracts involving residential care homes (including specialist care homes and nursing homes) and the number involving care at home (in a client's own home), as well as a breakdown by numbers for younger adults (under 65) and older adults (65 and over).

If providers have given reasons for handing back contracts, please provide a breakdown of the reasons cited for each year.

If possible, please provide information about the number of people whose care is covered by the contracts that have been handed back by the provider in 2019, 2020, and 2021 to date. Please provide a breakdown for each year between care homes and at home care and between older and younger adults."

6. The complainant wrote again to request a response from the Council on 2 February 2022 having not received acknowledgment of receipt of their initial request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 11 February 2022 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

### **Reasons for decision**

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9. 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.”

10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
11. On 15 February 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
12. Despite this intervention the Council has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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14. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**