

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

### **Decision notice**

**Date:** 6 February 2023

**Public Authority:** London Borough of Waltham Forest  
**Address:** Waltham Forest Town Hall  
Forest Road  
Walthamstow  
E17 4JF

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

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1. The complainant made a request for information relating to CQC Inspectors regarding the management of a service.
2. The Commissioner's decision is that, on the balance of probabilities, London Borough of Waltham Forest ("the Council") does hold information that falls within the scope of the request. The Commissioner also considers that, in failing to respond to provide any response to the request within 20 working days of receipt, the Council breached section 10 (time for compliance with the request) of FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a fresh response to the request following a thorough search aimed at identifying all the information the Council holds that falls within the scope of the request. The emails the Council has already identified and any further information within the scope of the request the Council identifies as a result of its searches should either be disclosed to the complainant or a refusal notice that complies with section 17 of FOIA should be provided.
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 FOIA and may be dealt with as a contempt of court.

## **Request and response**

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5. The complainant made the following information request to the Council on 5 February 2022 and repeated the same request on 16 May 2022:

"Our directors, board members and legal team will like to know:

1. Your feedback to CQC Inspectors regarding the management of the service.
2. Why your feedback could not be positive about the management of the service.
3. What things went wrong that management did not take accountable for [sic].
4. Which manager or managers at VHL did not accept accountability.
5. What suggestions for improvement were made and for which our management failed/refused to take on board by management.
6. Where the VHL management place blame on others.
7. When did the VHL management place blame on others.
8. What blame did VHL management place blame on others.
9. What reasons the VHL management give for refusing/failing to take on board suggestions."

6. The Council responded to the request on 26 May 2022, it explained that it did not hold the information requested and suggested the information can be sought from another public authority if it "is present in the CQC report".
7. Following an internal review the Council wrote to the complainant on 26 August 2022 and upheld its original position.

## **Reasons for decision**

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8. Section 1(1) FOIA 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."

9. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
10. As the information is in a report held by another public authority, the Council initially stated that this information is not held. However, during the course of the Commissioner's investigation, the Council confirmed it does hold some information within the scope of the request including emails to/from Council officers and the CQC. It stated that it "would need to consider if any exemption(s) might by [sic] relied upon prior to release of these emails", but gave no estimate of how long this might take.
11. Therefore, the Commissioner considers that on the balance of probabilities, the Council has not identified all the information it holds within the scope of the request.
12. The Commissioner requires the Council to issue the complainant with a fresh response to the request in its entirety following searches aimed at identifying all information held within the scope of the request – including the emails it has already identified as falling within scope. Those emails (and any further information within the scope of the request the Council identifies as a result of its searches), should either be disclosed to the complainant or an adequate refusal notice should be provided.
13. The Council should also be prepared to provide a detailed explanation of the searches it has carried out to identify information other than the emails already located – should there be any further dispute over the amount of information the Council holds.
14. Section 10 of FOIA states that a public authority must respond to a request for information within 20 working days of receipt. Despite several chasers from the complainant, the Council failed to respond to the request at all for three months and, at the date of this notice, has yet to comply with its duties under section 1 of FOIA. Therefore, the Council breached section 10 of FOIA.

## Right of appeal

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12. 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)

13. 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.
14. 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.....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**