

17 November 2009

Mrs Wileman
By email

Policy & Communication

West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD

Our Ref: Fol/2009/IR/07

Your Ref:

Please ask for: David Lowe

Direct Line: 01635 519747

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Dear Mrs Wileman,

Request for a Review – Refusal under Section 12

You have requested a review of the Council's refusal of your request for statistics of children placed under an Interim Care Order or Emergency Protection Order from 1998 to current date where the reason for the Order was only emotional harm.

In our previous correspondence we advised you that because of the number of case files, and the requirement to read through the documentation in some detail (since the Council does not collate this particular data separately), we were refusing this request under the provisions of Section 12 of the Freedom of Information Act 2000, since to progress it would exceed the 'appropriate limit' of 18 hours of staff time. In requesting a review you have suggested that the Council could supply the data from 2004 onwards (a revision of the parameters of the request) and that in other authorities the work has been carried out by the Head of Service.

Having reviewed this revised request, and examined the reason for the original refusal, it is my determination that we do not, in any event, hold the information you requested.

However, even if we were to seek to extract this data, I regret that it is my view that the refusal under Section 12 would still be appropriate, and that even with your revision of the request the amount of work involved would still exceed 18 hours.

To explain the process I have used to arrive at this decision, it is necessary to explain how the data is currently collected. The authority is required to collate the information on the database according to a set of 'category of need' codes which are used for our reporting to the Government.

N1 – Child Abuse/Neglect
N2 – Child Health/Disability
N3 – Family Health/Disability

N4 – Family in Acute Stress
N5 – Family Dysfunction
N6 – Child Socially Unacceptable Behaviour
N7 – Family Low Income
N8 – Child – Absent Parenting
N9 – Young Person Not in Need/Case held by Other Authority

In reviewing the scope of your request I established that an Order issued under the category of emotional harm (which is not in itself a category we use) would be most likely to fall within N1, N4 or N5. I asked the staff in Children's Services to scope the request again, this time eliminating all but those case files falling within N1, N4 and N5 to see whether this reduced the scope of the request to a manageable data set.

Within these categories, of the data on the database, (which dates from November 2005) there are 23 Interim Care Orders which fall under category N1, and 5 which fall under category N5. In addition there are two emergency protection orders, one falling under category N1 and one under category N4. Please note that the report includes data added since your original request was made on 1st October, hence the additional Emergency Protection Order statistics.

You will see from this that even using the existing categories to try to restrict your revised request will still leave 30 case files the staff within the service need to review, as well as the case files for the cases not on the database system, - at least 12. The estimated time for the work still exceeds the appropriate limit under Section 12 of the Freedom of information Act 2000. I must therefore advise you that it is our view that the original refusal still stands.

As you were advised in the email sent 2nd October, there are other statistics we supply to the DCSF which may provide you with statistics of children placed under child protection plans, or placed in care because of emotional harm, even though this is not specifically the information you have originally requested. If you are interested in this data please contact Ms Broughton.

If you are still unhappy with how your request has been handled you may write to the Information Commissioner, the independent regulator, requesting a review of the request and our refusal. The Commissioner can be contacted at:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF

http://www.ico.gov.uk/complaints/freedom_of_information.aspx

Yours sincerely

David Lowe
Policy & Scrutiny Manager