



City of Westminster

Mr Peter Bell

By email

Adult Social Care Business
Westminster City Council
Westminster City Hall
10th Floor East
64 Victoria Street
London
SW1E 6QP
Telephone 0207 641 3921
Email xxx@xxxxxxxxxxxxx.xxx.xx

Our ref: 1753333

Your ref:

Date: 14 March 2016

Dear Mr Bell

Re: Request for Internal Review – 1753333

Thank you for your correspondence dated 15 February 2016 regarding the response to your recent request to the Council (1753333).

In your correspondence you asked for an internal review of your Freedom of Information Request on the grounds that the council had not answered your request, but provided a different document.

Internal Review Procedure

I am sorry that you are dissatisfied with our handling of your requests and I have investigated your complaint in accordance with the Section 45 Code of Practice.

Should you remain dissatisfied with the handling of your request, you are entitled to contact the Information Commissioner under Section 50 of the Freedom of Information Act 2000. The contact details are provided at the end of this letter.

Response

The purpose of an Internal Review is to investigate the handling of a request in accordance with the Freedom of Information Act 2000. Your correspondence of 15th February 2016 requested an Internal Review on the grounds that the council *“provided a completely different document”* to the one requested.

As you are querying whether the council has complied with your request, this Internal Review will focus section 1 (1) of the Act, which is provided in full under the Advice & Assistance section of this letter.

Under section 1 (1) of the Act an authority must provide the requested information if held, and subject to any exemptions which may apply.

Your original request of 8th February 2016 was for the following:

"Please provide me with a copy of the latest versions of the following documents:

- a) Fair Access to Care Services (FACS) Policy*
- b) Support Planning Policy*
- c) Assessment for Long Term Care and Support Please also advise the date that each of these was due for review and the date that the last review was carried out."*

In its response of 8th February 2016 the council provided a copy of the Adults Social Care Policies and Standard Operating Procedures.

On 15th February you queried this response as follows (quoted verbatim):

"In your response you do not seem to have answered those questions in relation to the three documents listed. Instead you have provided a completely different document. Could you clarify whether this new document replaces in their entirety all three of the documents that I requested information upon?"

This review finds that in its response of 8th February 2016 the council specifically addresses that the provided document covers the three areas set out in your original request, as follows (quoted verbatim):

"This document includes policy in relation to the Care and Support (Eligibility Criteria) Regulations 2014, which replaced the Fair access to Care Services (FACS) guidelines, as well as policies in relation to Support Planning and to Assessment."

In your correspondence of 15th February you queried that if this document did in fact cover the 3 areas set out in your request then what date is it due for formal review. This review considers that this matter was addressed in the council's response of 8th February in which it stated (copied verbatim):

"The document provided is the January 2016 revision... The document is under constant review and revision ..."

Finally, your correspondence of 15th February included further queries as follows:

"Can I ask how a member of the public will know that this new document has been updated? Could it be placed on your external, publicly accessible website instead of just being available to staff via the intranet?"

Please be advised that under section 1 of the Act an authority is only required to comply with requests for information that is held by the authority, i.e. *recorded*. Section 1 (4) of the Act further sets out that the information should be held at the time of the request, i.e. there is no requirement to create information in order to provide it under the Act. This review considers that the questions above require comment, or opinion in response, i.e. they are not for information which is *held* by the Authority. As a result, and for the purposes of section 1 (4) of the Act, this information is not held and the council is therefore unable to provide it.

In sum, this review finds that the council's response of 8th February 2016 provided the Adults Social Care Policies and Standard Operating Procedures, and specifically advised that these covered the three areas set out in the original request. The council's response further set out the review timescales for the documents. Consequently this review considers that the council fully complied with section 1 of the Act and as a result your complaint in this regard is not upheld.

Advice & Assistance

In the course of this Internal Review I have made reference to the following provisions of the Freedom of Information Act 2000

1. (1) 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.

1. (4) The information—

(a) in respect of which the applicant is to be informed under subsection (1)(a), or

(b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.

This completes the internal review into the handling of your Freedom of Information Request under the Council's complaints procedure. Should you be dissatisfied with our response, you are entitled to contact the Information Commissioner under Section 50 of the Freedom of Information Act 2000. For your reference, I have provided his contact details below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 or 01625 54 57 45

Fax: 01625 524510

Web: www.ico.org.uk

Should you have any queries, please contact me at the address below.

Yours sincerely

Knowledge & Information Management Team