



# WARRINGTON

## Borough Council

Professor Steven Broomhead  
Chief Executive

Mr A Smith  
Reply via: [request-663735-685b8129@whatdotheyknow.com](mailto:request-663735-685b8129@whatdotheyknow.com)

New Town House  
Buttermarket Street  
Warrington  
WA1 2NH

1<sup>st</sup> July 2020

Our ref: **FOI/CHI/2156**

Dear Mr Smith,

### **Freedom of Information Act (FOIA) Request – Internal Review**

Thank you for your E mail of 10 June 2020 requesting an internal review of the way in which the Council has handled your Freedom of Information (FOI) request.

As the internal reviewer of this case I can advise you that I have considered all of the information provided to me in relation to this case and my findings are outlined below.

I note that you originally made a request for information by E mail on Saturday 9 May 2020 which was received by our Contact Centre. This was then forwarded to the relevant department within the Council on Monday 11<sup>th</sup> May. In this case this was Children's Services. Your request was as follows:

**I would like to know how much each school in the authority (Primary, Secondary, SEND etc) spent on third party supply agencies between 1st September 2019 and 1st May 2020.**

**It this could be broken down per school and how much that school spent with each third party agency that would be helpful. Otherwise, just a total per school spent on supply teacher and teaching assistants.**

An e mail acknowledging receipt of your request was sent out on 13<sup>th</sup> May and this e mail alerted you to the fact that due to the Covid19 situation and the pressures that this was placing on services and priorities the response may be delayed. In this e mail you were also asked to consider whether your request was essential given the extreme circumstances brought about by the Covid 19 situation, although it was made clear that you were under no obligation to respond to this. No response was received.

Further correspondence was sent to you on 3<sup>rd</sup> June asking again whether you still wished to proceed with your request and, if you did, whether you wanted to make any changes to the original request. This e mail asked you to respond by 17<sup>th</sup> June. No response was received to this e mail.

You then wrote to the Council by E mail on 10 June requesting an internal review as the date by which you should have received your response had expired.

I have reviewed all of the e mail correspondence related to this matter and spoken to officers involved in the process.

The original acknowledgement letter sent to you was based on information that was on the Council's website at the time which was formulated following advice received from the Information Commissioner's Office. This was seeking consideration of whether or not a request was essential against the backdrop of the pressures that the Covid 19 outbreak was putting on services. It was made clear in this letter that there would most likely be delays in response times to FOI requests.

At this time it was imperative that all available resources were targeted at protecting the most vulnerable in our town and this was why you received the acknowledgement letter that you did. I have discovered that an alternative acknowledgement template was made available to Children's Services by our Corporate Information Governance Team which was not used and this letter included a direct link to the Council's website which may have provided more insight into the challenges the Council was facing at that time and I believe this may have been helpful in providing context to any delays.

I attach it here for your information:

<https://www.warrington.gov.uk/requests-information-coronavirus-update>

The second letter that was sent to you was, by way of update, advising that the Council was now in a position to proceed with your request and invited you again to reconsider whether you wished to proceed with your request. This letter also asked you for a response by 17<sup>th</sup> June. This letter was dated 3<sup>rd</sup> June which was 2 days before you were due to receive a response under the normal statutory provisions. No response was received from you to this communication.

It is clear that the Council did not meet the statutory obligation to respond to your request within the 20 working days to which you are entitled.

It is my view, however, that the mitigation of the extreme pressures that the department were working under in respect of prioritising the care of the most vulnerable at that time including working with schools to ensure education provision for the children of key workers and our most vulnerable children must be taken into consideration.

I believe that the communication with yourself could have been clearer in apologising for the delays and you should have received a more definitive explanation and a timescale for a response rather than asking you to reconsider your request. I believe that clearer communication about the delays and the

reasons for this would have been in keeping within ICO guidelines. I will share this view with the Department to ensure that this leads to improved practice in the future.

The information that you were seeking has been compiled as far as it can be and therefore the outcome, with associated commentary, is now enclosed with this letter.

Your complaint is upheld in that you did not receive a response within the 20 working days statutory response time and I apologise on behalf of the Council for this. However, I do believe that the mitigation as outlined above was a key factor in this matter which I believe cannot be disregarded.

If, following the outcome of the internal review, you remain dissatisfied with the Council's response to your information request, you have the right under section 50 of the FOIA to appeal to the Information Commissioner at:

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

Telephone: 0303 123 1113  
Fax: 01625 545 510  
Email: [enquiries@ico.gsi.gov.uk](mailto:enquiries@ico.gsi.gov.uk)

Yours sincerely,

**FOI Internal Review Team**

Email: [foi.internalreviews@warrington.gov.uk](mailto:foi.internalreviews@warrington.gov.uk)