



Ministry
of Justice

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Ministry of Justice
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data.access@justice.gov.uk

29 January 2019

Dear Ms James,

Freedom of Information Act (FOIA) Request – 181231004

Thank you for your requests dated 31 December 2018 in which you asked the Ministry of Justice (MoJ) ten questions (listed in the annex to this letter) regarding 588 parents who you state in your emails were deemed to lack the mental capacity to care for their children, and from whom children were removed, in the period 2006-2009.

This request followed an initial request to the MoJ on the same subject dated 1 December 2018 (ref 181201002), to which we responded on 31 December.

Your requests have been handled under the FOIA.

Where more than one request is received for the same or similar information, Regulation 5(2) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together. I have therefore aggregated your requests.

I can confirm the MoJ holds the information you have requested. However, to provide this as your requests currently stand would exceed the cost limit set out in the FOIA. The information you have now asked for in separate requests is substantially similar to that requested in your previous single request. To locate, retrieve and extract the information requested in your new requests would therefore also require the examination of every case file created since 2006. The information you have requested is not recorded centrally.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

As explained above, for the purposes of the appropriate limit, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 permit public authorities to aggregate the estimated cost of locating, retrieving, and extracting information relevant to

a series of requests where they are for the same or similar information and are received within a period of sixty working days.

Therefore, the cost of providing the information would exceed the appropriate limit and, as a result, we are not obliged to comply with your new requests.

Although we cannot answer your requests at the moment, we may still be able to answer a refined request(s) which fall within the cost limit. As we advised you before, you may wish to consider, for example, reducing the volume of your request to a much narrower timescale. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit (especially where it would require the examination of every case file created in an extended period), or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/ukxi/2004/3244/pdfs/ukxi_20043244_en.pdf

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Oliver Lendrum
Family Justice Policy – Public Law
Family & Criminal Justice Directorate

ANNEX – LIST OF REQUESTS DATED 31 DECEMBER 2018

REQUEST ONE

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. Please indicate how many of these cases were handled by the Official Solicitor.

Yours faithfully, Jean James

REQUEST TWO

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. (1) How many of these children were given up for permanent adoption? (2) How many of the adoptions were arranged by the Official Solicitor?

Yours faithfully, Jean James

REQUEST THREE

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. (1) Please confirm that these cases were handled by the Official Solicitor. (2) If not handled by the Official Solicitor, please advise which authority or relative acted as deputy or guardian in these cases.

Yours faithfully, Jean James

REQUEST FOUR

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. (1) Please confirm that these cases were handled by the Official Solicitor. (2) If not handled by the Official Solicitor, please advise which authority acted as deputy or guardian in these cases.

Yours faithfully, Jean James

REQUEST FIVE

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. Please indicate how many children were involved in total, and whether the 588 parents refer to 588 individuals or 588 cases. Please indicate the number of cases and the exact number of individuals (if different from each other).

Yours faithfully, Jean James

REQUEST SIX

Dear Lendrum, Oliver,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. Please indicate how many of these cases were handled by the Official Solicitor. Thank you.

Yours sincerely, Jean James

REQUEST SEVEN

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. For the years 2009 to 2018 (1) How many individual cases were handled by the Official Solicitor? (2) How many cases were handled by a different authority, relative or guardian?

Yours faithfully, Jean James

REQUEST EIGHT

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. (1) How many individual parents were deemed to lack the mental capacity to care for their children from 2009 to 2018 (2) How many cases does this represent, and (3) How many children in total were involved?

Yours faithfully, Jean James

REQUEST NINE

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. (1) How many individual parents were deemed to lack capacity 2009 to 2018, (2) How many individual families does this represent, (3) How many children in total were involved? (4) How many of these family

cases were handled by the Official Solicitor, and (5) How many were handled by other agencies? Please name the agencies.

Yours faithfully, Jean James

REQUEST TEN

Dear Ministry of Justice,

From 2006 to 2009, 588 parents were deemed to lack the mental capacity to care for their children, and the children were removed from the parents. How many children, whose parents were deemed to lack the mental capacity to care for their children during the period 2009 to 2018, (1) have been permanently adopted, and (2) How many have been placed in foster care with relatives? (3) How many have been placed in commercially operated foster homes or foster homes that are not operated by relatives of the families?

Yours faithfully, Jean James