

Your ref:
My ref: ML/MB34125



**Resources Group
Legal Services**
Shire Hall, Warwick, CV34 4RL
DX 723362 Warwick 5

By Email:

request-256870-97411ac1@whatdotheyknow.com

6 May 2015

Meena Lekhi
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Dear Mr Etherington

FREEDOM OF INFORMATION ACT 2000 ('FOIA') – INTERNAL REVIEW

Your request for an internal review has now been considered and I am able to provide you with the outcome. In undertaking this review, I have considered your request for information received on 6 March 2015, the Council's response (including enclosure) of 11 March 2015 and your request for an internal review received on 22 March 2015. I have also consulted relevant guidance from the Information Commissioner's Office and officers involved in the initial response. The purpose of this review is to consider afresh your request for information and the way in which it was handled by the Council.

You requested copies of all documentation relating to the recent Corporate Peer Challenge undertaken by the Local Government Association (LGA) including the final letter from the LGA, any follow up letters and associated action plans. The Council's response stipulated that we are in the process of developing a single action plan to address the findings of the Corporate Peer Challenge, the Health & Well & Wellbeing Peer Challenge and the ADASS Adult Peer Challenge and this was not finalised at the time of writing. You were however provided with the final / feedback letter from the LGA, which contained six recommendations that will be addressed in the action plan, and was attached to the Council's response. In your request for an internal review, you state that you requested 'all' documentation relation to the peer review but that the Council's response only focused on the examples you gave, and you do not believe that 'no other' documentation is available. In addition, you question the existence of the action plan and specifically that you have not been provided with the same nor has it been exempted as part of Council's response.

Dealing with the first aspect of your review, the Council is under an obligation to interpret requests for information objectively. The Council interpreted your request on the basis of documents generated following the outcome of the peer review process and used the examples you gave as a basis for its interpretation. It is possible however that there is more than one possible meaning to your request and that by all documentation you meant any documents relating to the review process per se. I can confirm that other than the information provided to you and the unfinished action plan (which I will deal with below) there is an information pack that was provided to peers prior to the commencement of the review. I have asked for a copy of this pack to be made available to you within the next 7



*Working for
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working days of this letter. Other than these documents, the Council holds a small amount of logistical correspondence concerning the review arrangements with peers, which is administrative and unlikely to be of use to you.

In relation to the second aspect of your review, the action plan was not provided to you because it has not yet been finalised. It will however be published as part of a formal Cabinet report once it has been considered by officers and members. The relevant exemption is section 22 of FOIA (information intended for future publication) and I apologise that this was not cited in the initial response. This exemption applies because the information is held with a view to publication and there is a settled expectation that the document will be made public as soon as internal deliberations have taken place and the plan has been finalised. This is a qualified exemption which means that the Council must consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

There is an inherent public interest in the Council being open and transparent in its activities and decision making. However, there is also a public interest in the Council being able to adhere to an intended timetable of activities to enable free and frank internal deliberations to take place, in the absence of public scrutiny. The action plan is intended to go to Cabinet in either June or July and will be published shortly thereafter. I consider that in all the circumstances, it would be reasonable to withhold this document until the intended publication timeframe, which is not too distant in the future. Accordingly, the public interest favours maintaining this exemption at this time.

Next steps

If you are not satisfied with the outcome of the internal review you may wish to appeal to the Information Commissioner's Office, at the address detailed below.

Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK95AF

Yours sincerely

Meena Lekhi