



Finance and Corporate Resources

Executive Director **Paul Manning**

Administration and Legal Services

Head of Administration and Legal Services **Geraldine McCann**

Mr Peter Simpson
request-575827-
4d63d47b@whatdotheyknow.com

Our ref: HL/CDCREV/19184
Your ref:
If calling ask for: Hazel Lawson
Phone: 01698 454559
Date: 10 September 2019

Dear Mr Simpson,

**Freedom of Information (Scotland) Act 2002 (FOISA)
Request for a review – Decision Notice – R2019/25**

I refer to your email dated 13 August 2019 asking for a review in relation to the way that the Council has dealt with your request for information. I can advise that a review has now been held. This is the formal notification of the decision of the Review Panel.

Background

By email dated 10 May 2019 you asked 7 questions regarding social work waiting times in relation to "cca"s. Following a request for clarification as to what this term referred to from Social Work Resources you confirmed on 24 May 2019 that it related to community care assessments. Accordingly a response should then have been sent to you by 24 June 2019 however this did not happen and on 1 July 2019 you requested a review. The review would have been due by 29 July 2019 however Social Work confirmed that the response would be sent to you before then and accordingly the review did not take place. A response to your request was sent on 18 July 2019.

Following receipt of this response from Social Work Resources you made another request for a review. You complained about the delay in providing the information and the request for clarification which you believed was "*a delay tactic*". You also wanted a review that "*some of the information is allegedly not held*".

Regarding the delay in sending out the information Social Work Resources have advised that this appears to have been caused by a combination of administrative error and staff being on annual leave. They have already apologised to you and the Review Panel confirmed that apology.

In relation to the request for clarification of the term "cca" Social Work Resources confirmed that they felt it was appropriate to do so as Social Work officers carry out a variety of assessments. As you chose to use an abbreviation rather than the full term in your request, the Review Panel considered that Social Work were entitled to clarify what you meant in order to deal correctly with your request. Social Work Resources advised the Panel that "cca" could refer to "complex care

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assessments" as well as "community care assessments". Even if Social Work Resources had been of the view that you probably meant to refer to "community care assessments" it would have been appropriate and prudent to clarify that before dealing with your request and you would still have received a request for clarification.

Finally regarding your request for a review of Social Work's response that they do not hold information in the format you requested in relation to your last question the Review Panel noted that you did not provide any information or reason as to why this response was not correct. Social Work Resources confirmed to the Review Panel that the position as stated in their response of 18 July 2019 remains the case and they are unable to provide any additional information. The Review Panel accepted this position.

Summary of the decision of the Review Panel

Accordingly the Review Panel decided:-

- to apologise again to you for the delay in responding to your request for information;
- to explain that your first request for a review (on the basis that you had not received a response) was not actioned as you received a response prior to any review date;
- to confirm that Social Work Resources were entitled to clarify what was meant by "cca"; and
- to confirm that part of the information you requested is not held by the Council and accordingly uphold the decision of Social Work Resources on 18 July 2019.

Appeal to the Scottish Information Commissioner

If you are unhappy with the outcome of our review, you have the right to appeal to the Scottish Information Commissioner. You have 6 months from receiving this notice to appeal.

The Commissioner will decide whether the Council has dealt with your request properly. The Commissioner's contact details are as follows:-

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife KY16 9DS
Tel: 01334 464610
Fax: 01334 464611

E-mail: enquiries@itspublicknowledge.info

For further details, please see the Commissioner's website at <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>. In addition the Commissioner has prepared a form that can be used to appeal to her. It can be found here - <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/ApplicationForm.aspx>

If you are unhappy about the final decision of the Commissioner, you are entitled to appeal to the Court of Session on a point of law.

Yours sincerely



Paul Manning
Reviewing Officer