

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

How many care orders have been discharged by a litigant in person since 2001.

ANSWER:

It is likely that the information being sought will take a considerable amount of time to obtain as there is a record of 1174 care proceedings cases since 2001, which would include discharge of care order applications. Since 2009 our records show that care proceedings files were categorised on our system under the matter type of Care Proceedings. Since 2009 this category was changed to Care and Supervision Orders. Whilst there is a separate category for discharge of Care Order applications, this matter type only records 20 cases which is unlikely to be an accurate reflection of the number of discharge of Care order cases since 2001. It is therefore likely that Discharge of Care Order applications would have been opened as a file under either Care Proceedings or Care and Supervision Order depending on when the file was opened. To find out exactly which cases then relate to applications made by a litigant in person would be time consuming as each file would have to be considered individually.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take 195 hours to process your request. This is calculated on an average of 10 minutes per file with 1174 files to look through.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. We do have a duty to advise and assist you in refining your request under s16 of the Act so please don't hesitate to contact us if you need help in refining your request.

I would also like to know the average cost of care proceedings brought by the council each year since 2007.

Based on an average of 232 closed care proceedings files since 2007 the average time cost per file equates to £8,619.54 and the average expenses equates to £7,034 plus Barrister's fees of £927.62. The likely expenses on a file will include a Court fee which increased from £150.00 to £2225.00 in May 2008 and expert's fees which are ordered by the Court and likely to be a split contribution between the parties involved in the proceedings. All expenses on a case in Court proceedings would have been Court approved.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Customer Access
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG

e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.