

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 March 2015

Public Authority: Telford and Wrekin Council

Address: Darby House
Lawn Central
Town Centre
Telford
Shropshire
TF3 4JA

Decision (including any steps ordered)

1. The complainant has requested information from Telford and Wrekin Council (the council) regarding Disabilities Facilities Grants (DFGs). The council provided some of the information but found that the remaining information was not held.
2. The Commissioner's decision is that the council was correct to determine that no further information was held falling within the scope of the request. The Commissioner does not require the council to take any steps.

Request and response

3. The complainant made the following request to the council on 28 September 2014:

"1. How many people have applied for a DFG Disabilities Facilities Grant from the Council including the Home Improvement Agency HIA or Occupational Therapies Teams in the last 6 years?"

2. How people have been rejected for a DFG from the Council in the last 6 years, including the above departments in 1?"

3. How many people have been referred to the Planning Department or Property Design Teams in the last 6 years by the Council including the

Departments in 1 not meeting the criteria for a grant? This includes non-eligibility for a DFG grant, but have been referred to the Planning Department and Property and Design Teams for further help and advice for example?

4. How many people have been unsatisfied in their application for a DFG grant from the Council including the Departments in 1 and how many people have been satisfied with their application for a DFG? How many people have been successful for a DFG grant and how many have not been successful for a DFG grant? This question also relates to the data the Council holds over the last 6 years."

4. The council responded on 29 September 2014. In respect of question 1, it provided the number of "*eligible DFG grants from 1 March 2008 to 30 April 2014*". It then stated that it did not hold any information in respect of questions 2, 3 and 4. It explained that the council does not collect the data needed to answer the questions.
5. On 29 September 2014 the complainant asked for an internal review of questions 2, 3 and 4. She specified that she expected that a breakdown of the figures would be possible.
6. The council provided the outcome of its internal review on 9 October 2014. It maintained its position that the remaining information was not held.

Scope of the case

7. The complainant contacted the Commissioner 27 October 2014 to complain about the way her request for information had been handled.
8. As the internal review requested by the complainant was only in respect of question 2, 3 and 4, The Commissioner considers the scope of the case to be to determine whether the council is correct when it says that it does not hold the information required to answer those questions.

Reasons for decision

9. Section 1 of the FOIA provides that a public authority must respond to a request and confirm or deny whether the relevant information is held. If there is no reason why the information is exempt then the public authority must provide the information to the requester.

10. In this case, the council maintained that it did not hold the remaining requested information, but the complainant expected that a breakdown would be possible.
11. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, in accordance with a number of Information Tribunal decisions, the Commissioner applies the civil standard of the balance of probabilities. In other words, in order to reach a decision in a case such as this, the Commissioner must decide whether on the balance of probabilities the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The council's position is that it does not hold any DFG information other than the number of eligible DFGs, as supplied in response to question 1. The Commissioner notes that the number of eligible grants is not actually the information the complainant requested in question 1, as this asked for the number of people who had applied for a DFG, rather than the number of eligible applications. However, as the complainant did not ask the council to conduct an internal review of this part, the Commissioner has not considered it as part of this notice.
13. The council explained that as part of its report for funding, the Department for Communities and Local Government (DCLG) only requires the council to report on the number of DFGs that are approved and the value of grants. This is broken down in terms of age, tenure and value of grant. It states that there is no legislative requirement or business need to retain information on unsuccessful grant applications. The council has therefore confirmed that it does not retain copies of unsuccessful DFG applications.
14. It has informed the Commissioner that all DFG information is collected and processed by the Home Improvement Agency (HIA) Team. When the request was received, the HIA Team Leader was asked to compile the response and search for any relevant information. The council advised that all information relating to DFGs is held both on a shared network drive and on an information management system called Uniform. It has confirmed that both were searched in respect of this request, but no relevant information was found.
15. The Commissioner asked the council for information about how it compiles the information required by the DCLG. It explained that the Uniform management information system has a report function that compiles the relevant information, which as noted above is the number of approved grants and the value of those grants. The council also

explained that the information it does hold in respect of DFGs is primarily financial information and so it is retained for 7 years.

16. The Commissioner is satisfied that there is no business or legislative need for the council to retain unsuccessful DFG applications. Based on the explanations provided by the council in respect of the information that is held and the searches undertaken, the Commissioner finds that on the balance of probabilities, the council does not hold the information requested in respect of questions 2, 3 and 4.

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF