

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2016

Public Authority: Worcestershire County Council
Address: County Hall
Spetchley Road
Worcester
WR5 2NP

Decision (including any steps ordered)

1. The complainant has requested information about adoption procedures. Worcestershire County Council ('the Council') has refused to comply with the request which it says is vexatious under section 14(1) of the FOIA.
2. The Commissioner's decision is that the request is vexatious and that the Council is correct not to comply with it. He does not require the Council to take any steps.

Request and response

3. On 28 March 2015, the complainant wrote to the Council and requested information about adoption procedures in a 46-part request. Given the length of the request, it is reproduced in an annex to this notice.
4. The Council responded on 23 April 2015. It refused to comply with the request under section 14(1) of the FOIA. The Council considered the request to be vexatious because of the burden that responding to it would cause the Council. It also said that most parts of the request were not requests for recorded information but were for the Council's opinion on various matters.
5. The Council went on to say that it had received 14 requests from the complainant in the past five years, most of which related to the same subject matter: adoption. It confirmed that it was treating the present request (and any future requests on the same subject) as a vexatious request with which it did not intend to comply.

6. The Council provided an internal review on 15 May 2015. It maintained its position that the complainant's request of 28 March 2015 is vexatious and it is not obliged to comply with it.

Scope of the case

7. The complainant contacted the Commissioner on 12 November 2015 to complain about the way her request for information had been handled.
8. The Commissioner has focussed his investigation on whether the Council has correctly applied section 14(1) to the complainant's request.

Reasons for decision

9. Section 14(1) of the FOIA says that a public authority does not have to comply with a request for information if the request is vexatious.
10. The term "vexatious" is not defined in the FOIA. The Commissioner has identified a number of 'indicators' which may be useful in identifying vexatious requests. These are set out in his published guidance on vexatious requests. In short they include:
 - Abusive or aggressive language
 - Burden on the authority
 - Personal grudges
 - Unreasonable persistence
 - Unfounded accusations
 - Intransigence
 - Frequent or overlapping requests
 - Deliberate intention to cause annoyance
11. The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.
12. The Commissioner's guidance suggests that, if a request is not patently vexatious, the key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. In doing this the Commissioner considers that a public authority should weigh the impact of the request upon it and balance this against the purpose and value of the request.

13. Where relevant, public authorities also need to take into account wider factors such as the background and history of the request. The Commissioner considers that the background and history of the request may be relevant here but has nonetheless considered all the circumstances of the case.
14. In its submission, the Council has told the Commissioner that there is a long history of correspondence between the complainant and the Council dating back to 2002. It says that, as part of this correspondence, it has received 20 FOIA requests since 2010 from the complainant. The majority of the requests concern forced adoption of children. The Council considers this is relevant to the complainant because of a particular situation with which the complainant and the Council were involved, in 2002.
15. The Council provided to the Commissioner a copy of each of these requests and its response and the Commissioner has reviewed these during his investigation. The Council says that the requests that the complainant has submitted are not constructed in a form that makes it easy to distinguish the information she is seeking. It considers that much of the content of the request is for opinion and not requests for recorded information. The Council has told the Commissioner that it has applied section 12 of the FOIA to previous requests because the cost of complying with them would exceed the appropriate time limit of 18 hours.
16. The Council says it has helped the complainant, where it can, to refine and rephrase her requests so that it would be in a position to provide relevant information to her. Where the complainant has requested opinions or information that is not recorded (ie that it does not hold) it says it has advised the complainant of this. During the course of its correspondence with the complainant, the Council says it has attempted to explain to her about the FOIA and recorded information but it appears to the Council that the complainant has not recognised the concept of recorded information. It appears to the Council that her later requests indicate that the complainant believes that if she adds the phrase "using recorded information" to her request this would entitle her to opinions or for information to be created in response to her requests. The Council did not consider these to be valid requests under the FOIA and was still not able to respond to them.
17. The Council has told the Commissioner that the complainant has pursued a range of complaints in relation to the particular personal matter referred to at paragraph 14. In total it has received eight complaints from her about this matter and a further complaint was made to the Local Government Ombudsman. The Council says the complainant's concerns have been thoroughly investigated, where

appropriate, and that no further action can be taken with regard to these complaints.

18. With regard to the request that is the subject of this notice, the Council has confirmed that the request has 46 parts as one number is used twice. The Council says that, although they may start with, or have within them, the phrase 'using recorded information', many of the questions do not appear to be requests for recorded information.
19. The Council has told the Commissioner that, nonetheless, in order to respond to the request it would need to contact a number of managers to work through the questions to determine those that are valid requests and then to go on to provide any relevant information (if it is held). The Council says that this would cause disruption and irritation to the authority.
20. In assessing whether the disruption and irritation caused by complying with the request is justified and proportionate, the Council has considered the purpose and value of the request.
21. It appears to the Council that the complainant is not satisfied with how the Council handled the particular personal matter in 2002. As a result she has submitted a significant amount of correspondence to the Council over the last 14 years, latterly consisting of FOIA requests, and mainly relating to adoption procedures. The Council says that it recognises that this is a serious purpose to her.
22. The Council says that the request of 28 March 2015 poses a number of questions regarding the adoption process. It appears to the Council that the request is an attempt to further question a personal matter of 2002. The Council notes that this took place in 2002 and argues that matters relating to it have already been dealt with through the Council's complaint process, over a period of 14 years. The Council considers that these complaints have been thoroughly investigated, where appropriate, and escalated to the Ombudsman. It says the matter is now closed and that there is no longer any serious value in pursuing it further.
23. The Council considers that this most recent request has been submitted because the complainant is seeking to reopen the matter of 2002. It does not believe there is any credible reason for reopening these issues and that the latest request indicates an unreasonable persistence on the part of the complainant. The Council further believes that if it was to respond to this request, more requests would follow together with further attempts to reopen complaints.
24. The Council has referred to the Commissioner's decision in [FS50550081](#). That case concerned an NHS Trust's application of section 14(1) to a

request that it considered demonstrated unreasonable persistence on the part of the requestor. The Commissioner had found in favour of the Trust.

25. The Commissioner agrees with the Council that responding to such a voluminous request would certainly disrupt the Council's day to day duties. Such disruption would nevertheless be justified and proportionate if the request had a serious purpose and value.
26. The Commissioner does not doubt that the circumstances behind the complainant's service complaints to the Council, and which would appear to be behind the complainant's FOIA requests, are a significant and serious matter to the complainant. The Commissioner notes that the complainant's service complaints over the subsequent year, following 2002, have all been investigated and are now closed.
27. On the basis of the background that the Council has provided to him, the Commissioner agrees that the request that is the subject of this notice appears to be a further attempt to reopen matters that are closed, relating to the personal matter that happened in 2002. Given that this was fourteen years ago and that the complainant's complaints about this matter have been investigated and are now closed, the Commissioner does not consider there is a serious value in pursuing that matter further, through FOIA requests.
28. Given the length of time that the complainant has been corresponding with the Council about the same matter, including a high number of FOIA requests, the request of 28 March 2015 also indicates an unreasonable degree of persistence by the complainant.
29. The Commissioner has considered all the circumstances of this case. He recognises that the subject of the request is important to the complainant. However, the request has 46 parts to it and consequently, responding to it would be a burden to the Council. The Commissioner is satisfied that this burden would be disproportionate because the situation that appears to have given rise to the complainant's current request, and previous requests, occurred 14 years ago. Subsequent complaints about it have been investigated and closed. In addition, general information about the Council's adoption services and its Children's Social Care services is also published on its website. The Commissioner can consequently see no wider public interest arguments for the Council to comply with the request and to release into the public domain any relevant information that it may hold.
30. In the particular circumstances of this case, the burden imposed by the request is unjustified because of its lack of any wider serious purpose or

value. The Commissioner is therefore satisfied that the request is vexatious and that the Council has correctly applied section 14(1) to it.

Right of appeal

31. 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

32. 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.
33. 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

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

ANNEX

Under the freedom of information act 2000, can i request recorded/ published information for both computerised and non computerised information to the following questions taking into account not everyone owns or owned a computer when their family law Case was/is live. I do intend to forward my request on to all MP's in the UK through the use of the Parliamentary megaphone.

1. Is there any recorded information with statistics held which constitutes towards a miscarriage of justice from the adoptions of children occurred under Worcestershire CC in the UK

- a) Within the last 12 months
- b) Since 1999

2. Other than a parent with parental rights being verbally asked to sign a section 20 CA 1989 by Social Services or a Social Worker, being informed it is a voluntary agreement, is there any recorded information to show parents what is likely to happen should they remove their child from Social Services care and

a) Taking into account legislation as it stood before subsection (8) was amended where it reads-(8)Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under this section- eg between the years 1999-2002 as legislation stood then.

b) Still referring to question 2, and point a) of question 2 so 2. a) Would a parent with parental rights being informed at post adoption stage that regards the said adopted child, the child being returned home to the natural birth parent was not an option at the time, have had access to any recorded information showing them where this information could be found to be the case. If so can i request the recorded information for both within the last 12 months and also for the years 1999-2006. Then at b) Can i request the same information if a care plan had been put forward to the Council prior and the same if a care plan had not been put forward to the Council (as in Worcestershire CC) Then, the same if a parent already had other children living in the said parent's care i) Temporarily ii) Full time. Then asking for recorded information, how can a natural birth parent request to see a copy of the section 20 CA 1989 if iii) They signed it iii) If they had not signed it.

3. Is there recorded information to show that concerning a care plan a parent is led to believe has been forwarded onto Worcestershire CC, that it has indeed been forwarded on.

- a) I'm asking for both within the last 12 months
- b) For the years 2001-2006.

4. Can i request recorded information which shows me if a Social Worker is medically qualified to diagnose a parent.

- a) The same as question 4 but if a children's Guardian Ad Litem is medically qualified.
- b) The same as question 4 but if a children's Social Worker's Line Manager/ess is medically qualified.
- c) The same as question 4 but if children's Social Services organisation is medically qualified.
- d) Can i request recorded information as question 4. Points a) b) and c) which shows me if a Social Worker is medically qualified to diagnose a child answering the same points i mention.

5. I would like recorded information to show me where if a parent has made a complaint about their child's care in a private children's home, if the said parent of the child is meant to be updated with a report of the outcome of the investigation. If the parent has not received the said report, what recorded information do you have to show me where this can be sought. Then the same question at question 5 but for for public children's homes.

6. If a natural birth parent has new evidence come to light which could show a potential miscarriage of justice, what recorded information do you have to show what help and guidance they can receive.

- a) Same as question 6 but if they've already complained to Worcestershire CC UK.
- b) Same as question 6 but if they've already complained through the Local Government Ombudsman
- c) Same as question 6 and if new evidence has come to light since.

7. Can i request recorded information to show me where and if a children's Social Worker can make plans for a child for whom the natural parent has full parental rights to live elsewhere, and not fully update the said parent of their plans to do so.

8. Concerning parents medical files, can i request recorded information to show me how/where a Children's Social Worker can obtain a copy of a parent's medical files.

- a) Same as question 8 but without the parent's written consent (Signature)

9. Bearing question 8 in mind, can i request recorded information and also bearing in mind data protection rights- to know how a parent who believes their data protection rights have been breached relating to their medical files being sought without the said parent's written consent, can request to know

and see a copy of which public official from Children's Social Services requested the said parents medical files.

- a) With the parent's consent.
- b) Without the parent's consent.

10. Concerning Section 47 CA 1989 investigations, and asking for recorded information. Where a relevant adult to the investigation was invited to speak to a Social Worker and or the Police by method of invitation only, can i request information to show me where a) The parental with parental responsibility would not have had access to a copy of the document sent to the said adult concerned b) Circumstances there could be where a parent with parental rights are not shown the said document then c) Recorded information to show me where a Children's Social Worker would have felt the need to justify saying full investigations had taken place where the parent with parental rights for the said child had not been updated at any time concerning the said document.

11. Can i request recorded information to the following concerning a pdf file i was previously sent from another FOI request i made where the pdf is called 'violence and aggression towards staff.' to Worcestershire CC a) Is there any recorded information to show if a Children's Social Worker has a duty to report an assault on them by a parent or not to their Line Manager/ess or anybody else in authority. b) Is there recorded information to show that the said Children's Social Worker has a duty to have a record held on their file concerning the assault committed against them c) Any recorded information asking if the said Children's Social Worker has to instigate criminal proceedings against the offender d) Any information asking if any subsequent assaults on the same Children's Social Worker by parents has any of my points at a) b) c) apply to them at question 11.

12. Still concerning my questions at question 11, may i request to know with recorded information how many assaults have taken place on a Children's Social Worker in 2002 employed for Worcestershire CC. a) Statistics how many times this occurred on all Children's Social Worker's in general throughout 2002 b) How many assaults took place 3 times on the same Children's Social Worker c) How many assaults took place 5 times on the same Children's Social Worker and being answered from the context the assaults occurred from parents whose Case's the Children's Social Worker worked on. d) With recorded information being sent me does the said assaulted Children's Social Worker have a duty to inform the Judge at any future Cases she is involved in with children at Court of subsequent assaults e) Can i request recorded information for my same point at d) but relating to if a Line Manager/ess has this same duty then lastly e) with recorded information statistics for natural birth parent's if this had happened throughout 2002 to show me where the natural birth parent (s) concerned previously had a clean criminal record.

13. Can i ask for recorded/published information to ask where a parent informs a person (or several people) from a Civil Servant an assault is likely to take place against another employee of a Civil Servant, if the person who is informed an assault is likely to take place has a duty to report these concerns to that person or organisation where the person who may be assaulted is employed at their place of work as a means of prevention.

14. May i ask with recorded information, how many children are currently looked after under section 20 CA 1989 through Worcestershire CC and a) With parental signed consent then b) Without parental signed consent.

15. I would like to request with recorded information a) How many breaches have occurred Children's Services related in the last 12 months through Worcestershire CC b) Recorded information as to how many other children's and adult's information has been mixed up and used in Court against the natural birth parent and a) been found out in a timely manner (before the Adoption went ahead b) not been found out in a timely manner once the Adoption went ahead and how many of these instances have been corrected. Can i request the recorded information to the same as question 15 all throughout for the year 2000.

16. Can i request with recorded information up to date information or legislation on which Children's Services considers as falling under the categories of the various kinds of harm to a child and also to babies.eg: emotional, significant, sexual, neglect and any others i may have missed.

17. I would like to request with recorded information any up to date information or legislation concerning pre-birth assessments and plans with timescales in which they are to be completed if necessary and to know if they are the same for Worcestershire CC as a) Anywhere else in the UK b) Scotland c) Ireland d) Wales

18. May i request recorded information to ask if Children's Social Workers are permitted to make plans for a child of a parent with full parental rights with that of another person where the plans are/was unbeknown to the parent who holds parental rights for the said child. a) Is there any recorded information to show by doing so it would amount to a breach of confidentiality toward the parent concerned. Then the same if plans were made with i) another member of a public body involved in the said child's Case b) another member of the public and can you show me any recorded information which may allow a Children's Social Worker to request a (or with several member(s) of the public) to help talk a parent with parental rights into giving the said child up for Adoption including informing them of their entire plans to do so swearing the one(s) informed to confidentiality.

19. Can i request recorded information to tell me if when a parent complains to Worcestershire CC, a complaint is meant to be fully investigated with a) All points of the said complaint covered and b) Whereby if a parent names ones during the said complaint, they too get spoken to as part of the investigation before coming to a conclusion. Can i ask for the same recorded information as at question 19. points a) and b) for the year 2002 and if question 19. cannot be answered all throughout in full, to show me with recorded information which of the areas of my questions at question 19 have to be considered.

20. Before Twitter and Facebook and other social media groups and websites (I see them similar to the cigarette warning label on the package) and other than smoke signals and carrier pigeons, can i request recorded information which showed natural births their rights regards Children's Services beforehand as in before Twitter, Facebook and other social media groups and websites.

21. Can i request recorded information to show where a natural birth parent who does not own a computer might get to see information relating to a) Children's Services b) Data Protection Act c) Human Rights d) Section 20 CA 1989 and at question 21. with points a) b) c) and d) Can i request the same recorded information for the years 1999-2006.

22. Can i request recorded information for when Worcestershire CC first heard of the term 'Forced Adoption' being used or approximately when.

23. I would like to request recorded information where if mistakes have been reported to the Council as in Worcestershire CC which amount to eg: a) Perjury or b) Perverting the course of justice or c) Acts tending to pervert the course of justice where a natural birth parent gets informed they are too late to get anything done about it, for it to become remedied.

24. May i ask for recorded information, If a parent sends evidence to an established employee of Worcestershire CC concerning Children's Services, if they are allowed to a) inform the said parent they are too late when the said parent has raised concerns with new evidence which came to light b) has a duty to pass this evidence on to another department before coming to a decision. What procedures would be involved.

25. I would like to request recorded information to show me where a natural birth parent might not be updated of the minutes of meetings unbeknown to them from the time a decision of Adoption got made through Court Proceedings, other than the said natural birth parent sending their 'Apologies' for non attendance and request what recorded information you have to help show them what they can do if they've heard nothing about any

meetings held for their child they still maintain parental rights of up until the Adoption Order has been made at a later date.

25. I would like to request recorded information concerning if/where Fraud has been found through deception, to occur in someone's Case relating to Children's Services and where the natural birth parent's child is adopted, can an Adoption be overturned under these circumstances where it is not the said natural birth parent who has committed Fraud (and relevant to the UK.)

26. May i request recorded information to ask where children remain living at home full time in a parent's care with full parental rights, to see information with work which has to be carried out on the said child when a Children's Social Worker is considering Adoption as a preferred choice for their sibling
a) May i request recorded information as in question 26 but if the child living at home has shared care with the Local Authority.

27. I would like to request recorded information to show the public what their rights are and/are not their rights relating to audio recording conversations between Children's Services and themselves.

28. With recorded information, at what age can a child in the UK or under Worcestershire CC request their own files in their own right pertaining to their own data and b) with recorded information showing what age they can seek to find their own Solicitor c) with recorded information how does a child who can request their own files and find their own Solicitor go about doing so.

29. I would like to request recorded information where an adult requests their files from Social Services through Worcestershire CC, what qualifies them towards receiving a) Eradicated files b) Their full files, then the same as question 29 throughout but with the recorded information for children.

30. With recorded information, do parental rights stop for a parent if a) They caused injury toward a minor [their own child] b) If the act was deliberate c) If the act was not deliberate d) they was married to the other parent at the time e) If they was not married to the other parent at that time, or does the said parent who caused the injury have their parental rights stopped with immediate effect or f) Not until an Adoption Order has been granted.

31. Can i request recorded information which shows me at what stage of training a Children's Social Worker or potential Children's Social Worker still in training is considered qualified and experienced enough to work with a parent and their children/ family.

32. I would like to request with recorded information the various types of Court Orders used by Children's Social Worker's through the Family Court's please be sent to me.

33. With recorded information, what are the responsibility of Children's Care Homes if a child in their care was to run away from there a) Same question as 33, but with recorded information relating to the same if the child is in foster care.

34. Requesting recorded information, when is it considered appropriate for a person employed by Worcestershire CC as a Civil Servant to answer complaints made by natural birth parent's relating to Worcestershire CC whom the natural birth parent has never met. a) Would a breach of confidentiality apply b) Can i ask for recorded information if at any time this has happened over the last 12 months as in question 34. it has resulted in a natural birth parent writing to Worcestershire CC to request to have inaccurate information recorded on them amended.

35. May i request recorded information on the most up to date Mental Health Act and the same for children if different.

36. Can i request recorded information which shows how long someone has to train to be a newly fully qualified Children's Social Worker a) Same question as 36. but with recorded information how long it takes for them to be considered experienced on average and c) recorded information what happens if once employed as a Children's Social Worker they prove to not be experienced enough. (Would they still hold their job position as a Children's qualified Social Worker.)

37. With recorded information what happens if a Children's Social Worker's Line Manager/ess fails to adhere to their codes of practice and who are they answerable to.

38. Requesting recorded information, is there a text book for parents to follow which shows them how to be the perfect parent or where can you show me with recorded information where i) mistakes are to taken into account ii) diversity is to be taken into account.

39. I would like to request recorded information which shows where it is considered acceptable for Children's Social Services to use past historical domestic violence against a parent who made changes to leave the said relationship with permanent effect such as divorce or moving on to a new relationship. a) Then the same as question 39. but with recorded information for using historical childhood mistakes such as shoplifting. (I mean say a child were aged 2 or 3 and would not be considered deemed to be able or expected to know the difference between stealing a lollipop and not knowing the value of money.) Then how soon with recorded information would Children's Social Services support the other parent not guilty of domestic violence by means of a service such as 'partner selection training advice' and

under what circumstances might the said parent not receive this kind of support.

40. Where a parent displays to Children's Social Services as suffering with mental health problems, can you give me recorded information as to whether they are meant to have a mental health Social Worker to support them with immediate effect and why might this not happen with immediate effect.

41. Requesting with recorded information do Children's Social Worker's have a duty to inform parents a) Parenting classes are available to them b) Mother and baby units are unavailable to them c) Can you show me with recorded information where a parent with Children's Services involved may be denied the rights at question 41. and points a) and b) then lastly with recorded information where a parent can make an inquiry to undertake parenting classes or and/or approach a mother and baby unit (If this does not have to be done by means of a referral through their Social Services department)

42. Can you provide me with recorded information where the latest codes of practice for Children's Social Workers and their Line Manager/ess are.

43. Requesting recorded information, is there a Judgement attached to an Adoption Order and how does a parent request to see it a) Same as question 43. with recorded information from the year 2006 and c) Recorded information if the natural birth parent is meant to receive a letter to formally inform there was an Adoption took place of their child from off the Family Court where the said Adoption took place and where the parent can request to receive a copy.

44. A well respected Family Campaigner named Mr Jerry Lonsdale has gave me permission to use his name for my next question. Concerning an Adoption decision not been the same as an Adoption Order made at the Adoption Hearing, may i request recorded information to show me if natural birth parents of the said child get's informed formally in writing that this is the case. a) Same as question 44. with recorded information showing me why a natural birth parent may not be told. b) Can i be given recorded information to show me where a Placement Order does not revoke parental responsibility until such a time an Adoption Order gets made. c) With recorded information, where a Children's Social Worker informs a parent with whom Children's Social Services plans to have their child Adopted that they have found the said child a Placement, what avenues can the said parent go down to ensure they have been given all the correct information by the said Children's Social Worker (bearing in mind time is running out for the parent and their child.) Also, and having sought advice from Mr Lonsdale, i would like to request recorded information for the following- I heard that recently and also back in 2004, there was more of a problem whereby if a natural birth parent was not in Court for the Adoption Hearing then it is possible the

child intended to be Adopted may not be Adopted. Back in 2004 i heard there were parents who were advised it was all over once only the decision of Adoption had been made. How with recorded information can a natural birth parent be assured presuming they may well be the said child's natural birth parent still and where only receiving a copy of the Adoption Order they request from Court is not assurance enough for them.

45. Last of all can i request recorded information where a parent may go for advice and support if they are of the belief they may well have suffered a miscarriage of justice in the Family Court in the UK and /or when they have turned to all services known to them such as Worcestershire CC, The Leader Of The Council, The Local Government Ombudsman, All MP's previously, their local MP previously, or anywhere else known to them.