

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 May 2016

Public Authority: Sheffield City Council
Address: Town Hall
Pinstone Street
Sheffield
S1 2HH

Decision (including any steps ordered)

1. The complainant has requested information about the standards of service that can be expected by a tenant of furnished accommodation provided by Sheffield City Council ('the council').
2. The council refused to comply with the request relying on section 21 of the FOIA.
3. The Commissioner's decision is that the council has correctly applied section 21 of the FOIA.
4. The Commissioner does not require the council to take any further steps.

Request and response

5. On 1 December 2015, the complainant wrote to the council and requested information in the following terms:
"I request:
 - a) *That you provide me with a copy of your complaint procedure;*
 - b) *That you provide me with copies of documents clarifying the standards of your service (from the perspective of the tenant).*
 - c) *That you clarify what you consider to be "unreasonable, or an inappropriate amount of complaints" mentioned in your email dated 29 November 2015."*

6. The council responded on 1 December 2015.

In response to (a), they stated:

"Please see link: <https://www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.html>"

In response to (b), the council stated:

"Please see link:

<http://www.sheffieldhomes.org.uk/myHome/MovingHome/FindANewHome/WhatIsFurnishedAccommodation/TheEnvironment.aspx>"

In response to (c), the council stated:

"We will discuss this at our meeting on 04/12/2015."

7. On 17 December 2015, the complainant requested an internal review as the link provided in response to (b) did not contain the requested information.
8. The council provided its internal review on 5 January 2016. It acknowledged that the wrong web link had been provided in relation to request (b) and provided the following:

<http://www.sheffieldhomes.org.uk/myHome/MovingHome/FindANewHome/WhatIsFurnishedAccommodation.aspx>

Scope of the case

9. The complainant contacted the Commissioner on 5 January 2016 to complain about the way his request for information had been handled.
10. The Complainant only made reference to his request at point (b), stating *"there is no copy of their furnished accommodation standards on their website at the address referred to in their email"*.
11. The complainant subsequently clarified to the Commissioner that his expectation of the content of the information would include furniture condition and how long it should be expected to be used, and confirmed he disputed the council's handling of point (b) of the request.
12. The Commissioner considers that the scope of the investigation is to determine whether the council was correct to rely on section 21 of the FOIA in response to:

"b) That you provide me with copies of documents clarifying the standards of your service (from the perspective of the tenant)."

Reasons for decision

13. Section 21(1) of the FOIA states that:

“Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.”

14. The council provided a comprehensive submission to the Commissioner. It set out that the request had originally been answered as a “Business as Usual” query and a response was provided the same day.

15. The council confirmed that the complainant’s request was then considered under the FOIA when he requested an internal review on 17 December 2015.

16. The council set out that at the point of the internal review and upon receiving correspondence from the Commissioner, the Furnished Accommodation Team were asked if there were any other documents containing information relating to the standards of service that a tenant could expect from its service.

17. The Furnished Accommodation Team manage the furnished accommodation scheme that the complainant sought information about and therefore the council considered that if there was further documentation within the scope of the request, the Furnished Accommodation Team would have knowledge of it.

18. The council confirmed that no further documentation falling within the scope of the request was held. It also confirmed it has no business purpose for holding the type of information the complainant has requested, and in particular that it does not keep a record of the required condition of furniture supplied to housing tenants.

19. The council set out to the Commissioner that the links sent to the complainant were links to the Furnished Service section of the council’s website. This section comprises three webpages: the main page giving general information about the service, a page regarding a new furnished accommodation scheme and a page entitled ‘The Environment’.

20. The Council confirmed that the complainant was originally directed to the environment page of the Furnished Service section, however he was directed to the main page at internal review.

21. The council also set out in its submission to the Commissioner that the information was reasonably accessible to the complainant as it is on a public facing internet site. The council also took into account that

communication with the complainant was by email and therefore considered that he had access to the internet and the linked webpages.

22. During the course of the investigation, the complainant disclosed to the Commissioner that he was aware of a document entitled "Furnished Accommodation Customer Charter" which he had previously been provided with. The complainant believed this document to fall within the scope of the request.
23. The Commissioner sought the council's position on the existence of this document. The council confirmed that it had located a document it believed to be the "Furnished Accommodation Customer Charter" and set out that the document was no longer in use and had last been in use in 2009. The council clarified that the document was not provided to the complainant as the council did not consider it to fall within the scope of the request.
24. The Commissioner considers that although no timeframe was specified in the request, it is implicit in the wording of the request that the complainant is looking for information relating to the current standards of service. The Commissioner agrees with the council that a document that has not been in use for seven years does not fall within the scope of a request for current service standards.
25. In all the circumstances of the case, the Commissioner considers that in respect to point (b) of the request, the council has identified the relevant documents falling within the scope of the request and has provided the complainant with links to these documents.
26. It is therefore the Commissioner's decision that the council was entitled to rely on section 21 of the FOIA.

Right of appeal

27. 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

28. 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.
29. 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
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