

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 April 2024

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

#### **Decision (including any steps ordered)**

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1. The complainant submitted a request to Sheffield City Council (the council) for information regarding culture change at the council since the publication of the Lowcock report.
2. The Commissioner's decision is that the council was entitled to refuse the request under section 21(1) (information reasonably accessible) of FOIA.
3. The Commissioner does not require further steps as a result of this decision notice.

#### **Request and response**

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4. On 31 July 2023, the complainant wrote to the council and requested information in the following terms:  
  
"Since the Lowcock report, please provide the documents that demonstrate:

- a What culture changes have been identified as necessary, and
  - b What is the timescale for the culture changes, and
  - c How will the culture changes be achieved, and
  - d What culture changes have been achieved so far, and
  - e For each change of culture, how is the change measured?"
5. On 29 August 2023, the council provided its response. In relation to parts a, b, c and e, the council provided a link to the Agenda Document for Strategy and Resources Policy, dated 19 June 2023<sup>1</sup>, and referred the complainant to the specific pages where they could find the information. In relation to part d, the council referenced the Future Sheffield organisational change programme which is running from 2023/2024.
6. Upon receiving this response, the complainant asked the council to conduct an internal review on 29 August 2023. On 20 October 2023, the council provided its internal review response and maintained its original position. It confirmed that it had answered parts c and e through information already provided, and it provided a supplementary link to a Strategic Framework 2023/24 Agenda Supplement for Strategy and Resources Policy, dated 31 May 2023. <sup>2</sup>

## Reasons for decision

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### Section 21 – information accessible to applicant by other means

7. Section 21 of FOIA provides that information which is reasonably accessible by other means to the applicant is exempt information.

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<https://democracy.sheffield.gov.uk/documents/g8779/Public%20reports%20pack%20Monday%2019-Jun-2023%2014.00%20Strategy%20and%20Resources%20Policy%20Committee.pdf?T=10>

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<https://democracy.sheffield.gov.uk/documents/s59470/Strategic%20Framework%20202324.pdf>

8. Section 21 is an absolute exemption which means that there is no requirement to carry out a public interest test, if the requested information is exempt.
9. Unlike most exemptions, the circumstances of the applicant can be considered, as the information must be deemed readily accessible to the particular applicant.
10. It is reasonable for a public authority to assume that information is reasonably accessible to the applicant as a member of the general public, until it becomes aware of any particular circumstances or evidence to the contrary.
11. The council confirmed that the complainant was able to access the information, and that their "two page complaint" indicates this.
12. In this case, the complainant does not accept that the information is readily available to them through other means. In their request for internal review, the complainant indicated their belief that the council should have responded with 'information not held', for parts c and e of the request.
13. The Commissioner raised this issue with the council. In response, the council stated that the links and specific paragraphs provided, proved that they do hold information in relation to parts c and e of the complainant's request.
14. Looking at the links provided, the Commissioner can see that they outline how the council intends to achieve its aims, regarding cultural change. They also detail the expected impact and how it will be measured.
15. For example, in paragraph 74, of the agenda document for the Strategy and Resources report, the council explains that it refers to the Sheffield Race Equality Commission Report, in which "the measurement of cultural change is both explicit, e.g. how will impact be measured, and implicit what is the expected impact of the actions."
16. A further example is paragraphs 83-89, of the same report, where it details several cultural changes, and in paragraphs 91-92, it provides the actions for their realisation along with the dates by which they are expected.

17. The Commissioner recognises that this is an important issue for the complainant, and that they are frustrated as they believe the public will not be able to see whether any cultural change has been effective, until 2026. However, the Commissioner agrees with the council that cultural change measurement is “part tangible and intangible” and that any action plan could be subject to change and review.
18. Therefore, having considered the information requested and the links that the council provided, it is the Commissioner’s decision that the council was entitled to apply section 21 of FOIA to the request.

## **Right of appeal**

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19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**