

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 September 2017

Public Authority: Rhondda Cynon Taf County Borough Council
Address: The Pavilions
Cambrian Park
Clydach Vale
Tonypany
CF40 2XX

Decision (including any steps ordered)

1. The complainant requested information about childcare protection procedures. Rhondda Cynon Taf County Borough Council ('the Council') disclosed some information and stated that it held no further information that falls within the scope of the request. The Commissioner's decision is that the Council has disclosed all the information it holds and, on the balance of probabilities, holds no further information relevant to the request. The Commissioner does not require any steps to be taken.

Request and response

2. On 13 March 2017 the complainant wrote to the Council and requested information in the following terms:

"Please can you provide me with a detailed copy of the procedures followed for the recording of minutes for Core Group and Child Protection conferences in RCT, similar to those produced by Nottingham as per the below link.

Additionally I request the same procedures for any person interviewing a person for the purpose of completing a Risk Assessment.

http://nottinghamshirechildcare.proceduresonline.com/chapters/p_types_cp_meeting.html

I would also ask as to the dates they were in effect, but request especially the procedures from 2014 to 2017 inclusive".

3. The Council responded on 10 April 2017 and provided a copy of the All Wales Child Protection Procedures Manual dated 2008 ('the All Wales Procedures'). The Council also provided a link to a webpage which gave further context behind the procedures and details of supporting documents.
4. On 10 April 2017 the complainant wrote to the Council and requested an internal review of its handling of the request. He again referred to the procedures for minute takers available on the Nottinghamshire County Council website and asked the Council for its equivalent policy/procedures.
5. The Council provided the outcome of its internal review on 3 May 2017. It confirmed that it had provided the complainant with a copy of all the recorded information held relevant to the request. The Council also confirmed that although the manual was dated 2008, the procedures were still in place across Wales, and the Council had not adopted a separate policy. The Council confirmed that there were a number of references to minute taking and the process/procedures for such within the manual in relation to Child Protection Procedures. The Council's Community & Children's Services department also confirmed that any risk assessment as part of child protection would be covered by the procedures contained within the manual.

Scope of the case

6. The complainant contacted the Commissioner on 3 May 2017 to complain about the way his request for information had been handled.
7. The scope of the Commissioner's investigation into this complaint is to determine whether the Council holds any additional recorded information relevant to the request of 13 March 2017 (other than that which it has already provided to date, ie the All Wales Procedures).

Reasons for decision

Section 1 – general right of access

8. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to him.
9. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the authority to check that the information is not held and she will consider any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information was held; she is only required to make a judgement on whether the information was held on the civil standard of the balance of probabilities.
10. The Council advised the Commissioner that any information held relevant to the request in question would be held by its Community & Children's Services department. As such, on receipt of the initial request it was forwarded to the FOIA co-ordinator within this department, who in turn forwarded it to the relevant senior officers and the business support manager responsible for child protection and safeguarding matters.
11. Following consultation with the relevant officers the business support manager confirmed to the FOIA team that the Council had not implemented its own specific policy or procedure in relation to recording minutes relating to child protection conferences. The business support manager also confirmed that the Council followed the principles of the All Wales Procedures. These procedures also covered the risk assessments referred to in the request.
12. In light of the fact that the Council had not adopted its own policy/procedures and instead worked to the All Wales Procedures, the Council deemed that it was not necessary to undertake any further searches or checks to determine what further information was held relevant to the request. This is because the senior officers with knowledge of the service area in question were able to confirm exactly what information was held relevant to the request.
13. In light of the above, in its response to the request, the Council provided the complainant with a copy of the All Wales Procedures. In addition, in order to assist the complainant, the Council referred him to a particular

web link (copied below) which provided further context behind the procedures, along with details of supporting documents which he made have found to be of interest.

<http://www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group/>

14. In his internal review request, the complainant stated that he had:

"specifically asked RCT for a detailed copy of the procedures followed for the recording of minutes for Core Group and Child Protection conferences in RCT, similar to those produced by Nottingham Council but somehow I seem to have been sent a copy of the All Wales Child Protection Procedures from 2008, attached, which is now 9 years old and certainly not what I requested."

He then copied and pasted certain extracts from the Nottingham Council documentation.

15. In its internal review response the Council clarified its response further by confirming that the All Wales Procedures, although 9 years old, were very much applicable. The Council confirmed that the procedures were adopted Wales wide and explained that this was why the Council did not have its own specific policy. The Council also confirmed that there were a number of references/sections relating to minute taking and risk assess that the process/procedures for such found within the All Wales procedures in relation to Child Protection Conferences.
16. In summary, the Council's position is that as it has never adopted its own policy in relation to child protection procedures all of the information held relevant to the request is found solely in the All Wales Procedures, a copy of which has been provided to the complainant.
17. In weighing up the balance of probabilities in this case, the Commissioner does not consider that there is any evidence that would justify refusing to accept the Council's position that it does not hold any addition information relevant to the request. She does not find it difficult to accept that the Council does not have its own written policy and instead it has adopted and uses the All Wales Procedures. The Commissioner has not seen any evidence to suggest there is a motive to withhold information relevant to the request
18. Based on the representations provided by the Council, the Commissioner is satisfied that on the balance of probabilities, the Council does not hold any further recorded information relating to the request, other than that which it has disclosed, ie a copy of the All Wales Procedures.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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.

Signed

David Teague
Regional Manager (Wales)
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF