



Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 5 June 2006

Public Authority: Coventry City Council

**Address: Council House
Earl Street
Coventry
CC1 5RR**

Summary Decision and Action Required

The Commissioner's decision in this matter is that the Public Authority has dealt with the Complainant's request in accordance with Part I of the Act.

In the light of this decision, the Notice specifies no remedial steps to be taken by the public authority.

- 1. Freedom of Information Act 2000 (the 'Act') – Applications for a Decision and the Duty of the Commissioner**
 - 1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the Complainant's request for information made to the Public Authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the 'Act').
 - 1.2 Where a complainant has made an application for a decision, unless:
 - a complainant has failed to exhaust a local complaints procedure, or
 - the application is frivolous or vexatious, or
 - the application has been subject to undue delay, or
 - the application has been withdrawn or abandoned,the Commissioner is under a duty to make a decision.
 - 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a notice of his decision on both the complainant and the public authority.

2. The Complaint

2.1 The complainant has advised that on 27 January 2005 information he requested on behalf of another person (the parent of a murder victim) from Coventry City Council in accordance with section 1 of the Act. The complainant had described the information in an earlier letter sent to the social services and housing directorate of the council on 21 September 2004 and referred back to this letter when making the request of 27 January 2005. The information related to an individual who had been convicted of the murder of the other person's son and who, according to information that the police had given to the complainant, had lived at an address in Coventry prior to the murder. The information request was described as follows:

(a) *"Was the murderer placed on the "At Risk" register by Social Services, which came into force 1st April 1994 under Health Service Guidelines (HSG) 5, some 9 months before the homicide took place?"*

(b) *"It is presumed at the time of the homicide 21st December 1994 when the West Midlands Police conducted their inquiries that your department carried out a review of the tragedy regarding the amount of assistance the murderer was receiving from Coventry Social Services. In light of such inquiry how can we obtain a copy of that report?"*

(c) *"As Coventry was the last known Authority responsible as the murderer's Health Service provider and for his well being and because the Court Authorities found him to be mentally ill at the time he committed the murder act, there should have been an "Inquiry" commissioned by the responsible authority under Health Service Guidelines (HSG) (94) 27 section 34 where it states, "In all cases of homicide, it will always be necessary to hold an inquiry, which is independent of the Health Service provider". In the light of such an Inquiry being carried out, how can we obtain a copy of that report?"*

2.2 On 7 February 2005 the council advised the complainant that it did not hold the information requested. The complainant disputed this and on 23 February 2005 made a complaint to the Commissioner.

3. Relevant Statutory Obligations under the Act

3.1 **Section 1(1)** provides that –

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

4. Review of the case

- 4.1 It should be noted that there is a related decision notice (Ref: FS 50084554) dealing with a complaint made by a second complainant about a separate request for information that he made to Coventry City Council also on behalf of the parent of the murder victim (paragraph 4.4 et seq.refers).
- 4.2 Initially, the Information Commissioner asked the council to confirm whether or not it held any of the information described in the complainant's request. The council informed the Commissioner that the social services and housing directorate did not hold any information regarding the murderer. The Commissioner then asked the complainant whether he had any direct and compelling evidence to support his view that the council were holding the requested information.
- 4.3 The complainant informed the Commissioner that he had "*no concrete evidence*" to support his view that Coventry City Council held the requested information. However, he provided a copy of a newspaper article dated 8 December 1998 from the Liverpool Daily Post which reported that "*both police and health service knew of his (the murderer's) record of psychotic behaviour*". The complainant said that he presumed that the health service referred to in the article was Coventry and therefore if the health service knew of the murderer's existence "*surely the Social Services should have known because for a person to be referred to the Health Authority they must be in receipt of Social Services.*"
- 4.4 At this time a second complainant (paragraph 4.1. refers) also wrote to the Information Commissioner in connection with the complaint. The second complainant explained that the parent of the murder victim had asked him for help with their attempts to obtain information about their son's murderer from Coventry City Council. The first complainant had also acquainted the second complainant with the case and made him aware of the correspondence between himself and the Commissioner's office.
- 4.5 Subsequently, the second complainant also made a separate complaint to the Information Commissioner in relation to a later request for information about the murderer that he made to Coventry City Council on behalf of the parent of the murder victim. The information the second complainant requested was not the same as the information requested by the first complainant.
- 4.6 On 1 June 2005 the second complainant informed the Commissioner that he had "*confirmation that the West Midlands Police had arrested the murderer on 16th December 1994 in Coventry City Centre and had confirmed his identity and address*". He also said that he had "*confirmation that the murderer visited the Social Security Office in Hyde Park Street, Liverpool on 21st December 1994 where he was advised that his Giro payment had been sent to Coventry*". The second complainant said that "*all this indicates that the murderer was known to the authorities in Coventry*".
- 4.7 The second complainant went on to say, "*if so, then it was highly likely that he was in rented accommodation or a shelter for the homeless and in either case Coventry City Council would have had a record. Likewise, if the murderer was in receipt of*

any benefits he would have needed an address in Coventry and he would have been entitled to Council Tax Benefit and Housing Benefit” and the council “would have a record” of this.

- 4.8 The second complainant also reported that the correct spelling of the murderer’s third forename was slightly different from the spelling that had been provided by the first complainant. In view of this, the Commissioner asked the council to ensure that none of the requested information had been overlooked as a result of the mis-spelling of the murderer’s third forename. The council subsequently confirmed that no information had been overlooked as a result of this mis-spelling.
- 4.9 The Commissioner also became aware at this time that the second complainant had made a further separate request for information about the murderer on behalf of the parent of the murder victim to the Department for Work and Pensions (DWP). The DWP refused his request on the grounds that the information he had requested was personal data and therefore exempt from disclosure under Section 40 of the Act. The second complainant then made a new complaint to the Commissioner about this request and all three complaints were then investigated simultaneously by the same Complaints Resolution Officer.
- 4.10 Subsequently, the DWP agreed to provide the second complainant with an address in Coventry for the murderer from which he had claimed sickness benefit in 1994. The second complainant then withdrew his complaint against the DWP. The address provided by DWP was a Salvation Army hostel at 1 Lincoln Street, Coventry. Using this address the second complainant then made a further new request on behalf of the parent of the murder victim to Coventry City Council for information about the murderer.
- 4.11 The Commissioner also asked the council to carry out a further search of all its records for information about the murderer using the address now provided by the second complainant. The council did this and informed the Commissioner that the electoral roll had been checked for the date that the murderer was known to have been at the Salvation Army hostel and also for the date on which the electoral roll was annually updated and there was no trace of any record for the murderer at either time.
- 4.12 The council also informed the Commissioner that as the Salvation Army hostel where the murderer had stayed was not a council hostel and therefore not under council control there would be no record as far as linked benefits, e.g. housing benefit, were concerned. In addition the council reported that it had checked social services records, housing benefit, council tax and community charge benefit records again using the Salvation Army hostel address and there was no trace of the murderer in any of these records.
- 4.13 The Commissioner also asked the council to confirm: (a) what type of records, i.e. paper or electronic or both, it might have used to record information about individuals like the murderer, (b) whether it had a destruction policy which would have been applied to such records and (c) if so, what the normal destruction period would have been?

4.14 The council provided the Commissioner with the requested confirmation. This showed, amongst other things, that the council would not have requested or recorded information about persons who were resident in Salvation Army hostels in its area. It also showed that, even if it had obtained and recorded information about individuals like the murderer for other reasons, this would have been deleted under the council's normal deletion procedures by the time of the complainant's request.

5. The Commissioner's Decision

5.1 The Commissioner is satisfied that the requested information is not held by the council and that the complainant's request has been dealt with in accordance with Part I of the Act. The council has carried out a number of searches for information about the murderer in response to requests made by the representatives of the parent of the murder victim and by the Commissioner none of which have shown that any such information is held by the council. The council has also shown that the fact that the murderer was resident in a Salvation Army hostel in Coventry at the relevant time in 1994 does not mean that the council would therefore have requested or recorded information about him as a result.

6. Action Required

6.1 In the light of the matters set out above, the Commissioner requires no remedial steps to be taken by the public authority.

7. Right of Appeal

7.1 Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.qsi.gov.uk

7.2 Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 5th day of June 2006

Signed

Reference: FS50065287

Phil Boyd
Assistant Commissioner

Information Commissioner
Wycliffe House
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SK9 5AF