

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 August 2014

Public Authority: Liverpool City Council
Address: Municipal Buildings
Dale Street
Liverpool
L2 2DH

Decision (including any steps ordered)

1. The complainant has requested to know how many complaints/ concerns had been received about Liverpool College. Liverpool City Council (the council) initially stated one complaint had been received. During the Commissioner's investigations a further complaint was located. The complainant is not satisfied with the council's response as he considers that the council has received more than two complaints.
2. The Commissioner's decision is that the council holds no further complaints/ concerns on record.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 17 May 2013, the complainant wrote to the council and requested information in the following terms:

"The information we are requesting is the actual number of complaints and concerns made against Liverpool College, Queens Drive, Mossley Hill, Liverpool. L18 8BG, to your department, from September 2008 to the present day. This is to include all complaints and concerns regardless of whether they are against the school, its governance or individual staff members. We are only requesting the actual number of complaints and concerns and not information regarding the content."

5. The council responded on 31 May 2013. It stated that it could locate one complaint which falls within the scope of the request.
6. The council provided an internal review on the 13 August 2013. It maintained its position to its original response.

Scope of the case

7. The complainant contacted the Commissioner on 10 December 2013 as he considers the council must hold more complaints/ concerns on file.
8. During the Commissioner's investigation's, the council located a further complaint and informed the complainant of this on the 17 June 2014.
9. The Commissioner considers the scope of the case is to determine whether the council has holds further complaints/ concerns that fall within the complainant's request.

Reasons for decision

10. Section 1 of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
11. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decision, applies the civil standard of the balance of probabilities to decide whether the council holds any further information which falls within the scope of the request (or was held at the time of the request).
12. The complainant has advised the Commissioner that he is aware of complaints about Liverpool City College being made to the following people at the council:
 - [name redacted] (Liverpool Safeguarding).
 - [name redacted] (Liverpool Safeguarding).
 - [name redacted] (Social Care Complaints Manager), in 2012.

- [name redacted] (Customer Care Team Manager) a ref of [redacted] was given.
13. The complainant told the Commissioner that he is aware of another parent, [name redacted], and an MP who have made separate complaints to the council about Liverpool college.
 14. The complainant has also explained to the Commissioner that the Customer Care Team Manager, when he was on the phone to him in 2011, mentioned that six other serious complaints were sitting on his desk about Liverpool College.
 15. The complainant is unable to provide any reference numbers to the Commissioner about these 6 other complaints.
 16. The Commissioner wrote to the council and asked it to explain the searches it has carried out, the way it holds and records information of this type and asked if it had spoken with the above employees to determine if there are other complaints/ concerns recorded elsewhere.
 17. The council has advised the Commissioner that any recorded complaints/ concerns would be recorded on its case management system and would be recorded under 'Liverpool College'. Senior Officers within the Education Department were asked to highlight any complaints/ concerns within the requested timeframe and the result of the search showed the case management system holds one complaint.
 18. The council has told the Commissioner that official complaints are logged on its case management system and kept for 6 years from closure of the complaint and there is a statutory requirement for the council to retain this sort of information, however prior to 2011 not all complaints would have been logged.
 19. Since 2011 the council state that it's procedure for receiving a complaint/ concern about a school is to respond to the complainant, log it and advise that the correspondence will be forwarded to that particular school and the case is then closed. So on that basis, any case closed in 2011 should still be on record up to 2017.
 20. The council has explained to the Commissioner that its calls are not recorded, so would not hold records of complaints/ concerns in the form of a phone call.
 21. The council on its further searches has contacted the manager of its Safeguarding Team in order to ensure no complaints/ concerns were received to this department and recorded elsewhere. This department

deals with all correspondence the council receives regarding child welfare/ well-being.

22. It has also contacted its Education Department and Safeguarding Department to try to locate any other recorded complaints/ concerns.
23. With regards to the specific employees that the complainant has stated he knows have received complaints about Liverpool College, the council has told the Commissioner that [name redacted] of the Liverpool Safeguarding Team no longer works for the council, but the others were asked about the request and whether they could recall any other recorded complaints/ concerns.
24. It was on speaking with them that the council located the second complaint, as one of the officers recalled a complaint and held a hard copy of a letter which contained a reference number [ref number redacted]. It had been logged as a child and social care comment and was from an MP.
25. The council also searched for a recorded complaint from the other parent, [name redacted], who the complainant knows made a complaint to the council. The council have searched her name and are unable to locate this complaint. The complainant was unable to provide a reference number for this complaint.
26. For the reference number that the complainant was able to provide, refer to paragraph 12 above, the council has confirmed that this was the reference to the first complaint it had originally located.
27. The council has stated that information relating to this request would predominately be recorded electronically on its case management system, but has spoken with the relevant officers, mentioned above, to determine if any other complaints/ concerns could be located outside of the system. This did locate the hard copy letter that led the council to find the second recorded complaint, but no other hard copy documents have been located.
28. The council has confirmed to the Commissioner that there are no other complaints/ concerns recorded by the council about the college.
29. The Commissioner understands that the complainant is aware of other complaints being made, but is unable to provide further reference numbers to these or correspondence that specifically confirms these complaints/ concerns were acknowledged or recorded by the council.
30. The Commissioner accepts that more complaints/ concerns may have been made to the council, when taking into account the council's

statement that prior to 2011 not all complaints would have been recorded. This could add some explanation as to why there appears to be a discrepancy with the amount of complaints/ concerns the complainant considers have been made, to the amount of complaints/ concerns recorded by the council.

31. If these further complaints/ concerns were made, but not recorded by the council, the Commissioner is unable to look into this further. He is only able to consider if further information has been recorded, not whether it should have been recorded.
32. Therefore the Commissioner, on considering the councils responses to his enquiries, is satisfied that on the balance of probabilities no other complaints/ concerns, which fall within the scope of the request, are held on record by the council.

Right of appeal

33. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

34. 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.
35. 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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SK9 5AF