



Department of Health

request-306010-152cb2dd@whatdotheyknow.com

12th January 2016

Dear Ms Burns,

**FREEDOM OF INFORMATION ACT (FOIA: REQUEST FOR INTERNAL REVIEW
DH CASE REFERENCES: FOIs-1006257/1006376/1006404/1006422/1006427**

Thank you for your email dated 8th January in which you requested an Internal Review into the handling of your original requests (see above reference numbers).

Chronology

You originally wrote to the Department of Health (DH) on **5th and 7th December 2015** (our references FOIs-1006257/1006376/1006404/1006422/1006427) to request the following:

FOI-1006257

*"Please will you send me an electronic copy of this report?
Report of the Social Work Service of DHSS into certain aspects of the management of the case of Stephen Menheniott. Great Britain. Department of Health and Social Security. Social Work Service Book. English. Published London: H.M.S.O., 1978
Please note that I am unable to travel to see a library copy."*

FOI-1006376

*"Please will you send me an electronic copy of
"Child Abuse: A Study of Inquiry Reports, 1973-81" published by the then
Department of Health and Social Security?
I am unable to obtain a copy of this publication or to visit a library."*

FOI-1006404

"Please will you send me an electronic copy of a report as below

"Report of a committee of inquiry into the provision and co-ordination of services to the family of John George Auckland", published HMSO, London, 1975 commissioned by the Department of Health and Social Security?"

FOI-1006422

*"Please will you send me an electronic copy of the following report?
'Report of the committee of inquiry into the case of Paul Steven Brown' published by HMSO London December 1980 commissioned by the
Department of Health and Social Security?"*

FOI-1006427

*"Please will you send me an electronic copy of the following report
"Report of the Committee of Inquiry into the actions of the authorities and agencies relating to Darryn James Clarke" published by HMSO, London, November 1979
Commissioned by the Department of Health and Social Security."*

The DH replied to you on **7th January** as follows:

"Thank you for your requests of the 5th and 7th December 2015 under the Freedom of Information (FOI) Act (2000) (our references FOIs-1006257/1006376/1006404/1006422/1006427). Your exact requests were:

[See above for brevity]

These reports were published in the 1970s and 1980s. They predate electronic availability, and the Department is not required under the FOI Act to create information in a format in which it is not already held.

Furthermore, as these reports are already in the public domain, we will under Section 21 of the FOI Act (information accessible to the applicant by other means) refer you to the published source, as these publications are available through the British Library. For example, one of the reports you have requested (*'Child abuse : a study of inquiry reports 1973-1981 Department of Health and Social Security, London : H.M.S.O., 1982'*) is listed on the British Library website as being available to order directly to an individual's home or office.

Alternatively, they can be requested from the British Library through the inter-library loan service via your public library. Please discuss with your local library if you require any reasonable adjustments under the Equality Act.

These publications may also be available to purchase via the TSO website. For example, details of how to purchase *'Child abuse : a study of inquiry reports 1973-1981 Department of Health and Social Security, London : H.M.S.O., 1982'* are available here:

<https://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&ProductID=9780113207886&From=SearchResults>

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room 520
Richmond House
79 Whitehall
London
SW1A 2NS
Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely”

You subsequently wrote to the DH again on **8 January** to request an Internal Review in the following terms:

“I am writing to request an internal review of Department of Health's handling of my FOI request 'Copy of report'.

Please note this request for internal review relates to all the documents made in separate requests i.e. follows the format of your response.

It is not practical to expect publicly available reports to be sources via a number of separate archive searches. The DoH holds the information and it is open to you to make these important reports available electronically. The subject matter is of crucial important and it will be of public benefit to disclose the reports. The report you refer to in the publication is not in fact in this publication already. I fail to understand why you have adopted this approach, and what the alleged downside of published the reports electronically in full would be. I note there is considerable current interest in 'historic' child abuse and your refusal to provide these reports electronically runs wholly contrary to openness and learning in this importance sphere.

I would be grateful if you could review accordingly.”

The Review

The DH has now undertaken a review into the handling of your original requests (FOIs 1006257/1006376/1006404/1006422/1006427).

You make two key points in the terms of your request for Internal Review (above) and I have addressed these below for your ease of handling:

It is not practical to expect publicly available reports to be sources via a number of separate archive searches. The DoH holds the information and it is open to you to make these important reports available electronically

I should re-iterate that the reports you have requested were published in “hard copy” (physical) format in the 1970s and 1980s, which pre-date their availability electronically (on-line). Further, public authorities are not required under the FOI Act to create information in a format in which it is not already held on existing official file systems.

The report you refer to in the publication is not in fact in this publication already.

I can confirm that the specific report (*‘Child abuse : a study of inquiry reports 1973-1981 Department of Health and Social Security, London : H.M.S.O., 1982’*) is definitely listed on the British Library website (General Reference Collection) as being available to order directly to an individual’s home or office. I attach the relevant hyperlink for ease of reference here:

<http://goo.gl/6sJla8>

Alternatively, the reports can be requested from the British Library through the inter-library loan service via your nearest local public library. Please do discuss with your local library if you need any reasonable adjustments under the Equality Act 2010 who are required under that legislation to provide you with any relevant assistance.

Finally, I should re-iterate that the publication is available to purchase via The Stationery Office (TSO) website here:

<https://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&ProductID=9780113207886&From=SearchResults>

In view of the above, the DH maintains section 21 of the FOI Act (information accessible to the applicant by other means) is engaged because we have referred you to the published source, as these publications are available through the British Library.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

TONY DOOLE
Senior Casework Manager
Freedom of Information