

6 November 2020

Miss B White  
request-685433-  
6dcef915@whatdotheyknow.com

Information Governance Team  
Corporate Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Your ref:202000372

Dear Miss White,

## **Review of your request – Case 202000372**

I write following your complaint relating to the Wiltshire Council response to your recent freedom of information request. On 17 August 2020 you requested the following information;

Please provide information that demonstrates the actual working behaviour and practice used by people working at or on behalf of Wiltshire Council. I am particularly interested in records which refer to arranging alternative education or accessing funding for education/ alternative provision/ other academic support where the young person has not been deemed well enough to attend education with their normal provider for >15 days and they have already commenced a course of education.

I would like records showing copies of processes and guidance or advice which are in any of the following brackets, but not limited to only these brackets:

- are in use or have been in use
- have been sent to Salisbury-area, post-16 education providers (mainstream or alternative education)
- have been sent to families or their legal representatives in response to complaints, appeals or tribunals or used in relation to EHCPs
- have been used for auditing the education provision in Wiltshire.

Records over 3 years old are not required

On 23 September 2020 the council responded in the following manner:

Section 12 of the Act removes the above obligation if the cost of complying would exceed a set limit known as the appropriate limit. The appropriate limit represents the estimated cost of one person spending 18 working hours in determining whether the Council holds the requested information. This also includes locating, retrieving and extracting the information.

In order to provide you with the information that you have requested would require a large scale manual search, across multiple service areas, to identify any relevant individuals meeting the criteria of your request and then extracting the data from each case.

We estimate that to comply with your request would exceed the appropriate limit, which means your request will not be processed further.

You may wish to refine your request by narrowing its scope, for example, you could refine your request to only general guidance and policies issued and not specific advice given at individual level.

Another consideration around a request for information at an individual level, is that it maybe personal data, which would be exempt from release under the Act by virtue of section 40(2) - Personal information of another person.

On 13 October 2020 you emailed the council to say:

Under Section 16, of the Freedom of Information Act you have an obligation to advise what, if any information may assist me with my request. I request you complete an internal review.

I have reviewed the handling of your original request and have concluded that I agree with our original decision. The cost of complying with your request, would exceed the appropriate limit. Under our Section 16 obligations we advised you that could refine your request and remove the part for specific guidance/advice which had been sent to families or legal representatives. Personal data would also be exempt under the FOIA.

Please also bear in mind that under Section 12, if any part of the request would exceed the cost limit, then we are not obliged to search for, or provide the remainder of the requested information. Kindly note these points from the ICO:

- If a public authority initially estimates that it could complete its searches under the appropriate limit, but then finds that it cannot, it can stop searching once it reaches that limit. This is because it is not obliged to continue searching just because it originally estimated that the searches could be completed within the appropriate limit.
- As a matter of good practice, public authorities should avoid providing the information found as a result of its searching and claiming section 12 for the remainder of the information

Following our initial response to you on 23 September 2020, we wrote to you again on 16 October advising you of our decision to aggregate six of your requests. Aggregating the requests also meant that combined, they would exceed the appropriate limit. We suggested at that time, that we could put you in touch with a member of the SEND team, in order to discuss your queries, and hopefully find a satisfactory response for you.

If you are still dissatisfied with the council's response to your request for information you have a right to complain to the Information Commissioner. The Information Commissioners contact details are:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel; 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

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