

Freedom of Information Act 2000 (FOIA)

Decision notice

8 August 2024

Public Authority: Milton Keynes Council

**Address: Civic Offices
1 Saxon Gate East
Milton Keynes
Bucks
MK9 3HG**

Decision (including any steps ordered)

1. The complainant requested copies of all policies and procedures used by Milton Keynes Council (the Council) in relation to adult social care. The Council refused the request on the basis of section 14(2) (repeated requests) of FOIA.
2. The Commissioner's decision is that the Council is not entitled to rely on section 14(2) of FOIA to refuse the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Provide a fresh response to the request without relying on section 14(2) of FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 February 2024, the complainant wrote to the Council and requested the following information:

“Can I please see copies of all the procedures & policies with their numbers that Adult Social care use when dealing with clients?”
6. The Council responded on 20 February 2024, citing section 14(2) (repeated requests) of FOIA to refuse the request.
7. Following an internal review the Council wrote to the complainant on 21 February 2024, upholding its original response.

Reasons for decision

8. The Commissioner’s guidance on [section 14\(2\)](#) says:

“...you can only apply section 14(2) to a request where you have either;

 - already provided the information to the same requester in response to their previous FOIA request; or
 - previously confirmed that you do not hold the information in response to an earlier FOIA request from the same requester.

If neither of the above criteria applies, then the request is not repeated and must be processed in the usual manner.”
9. The complainant made two previous requests to the Council relating to policies and procedures. The Council responded to the first of these stating that the information was not held.
10. The Commissioner’s guidance for section 14(2) further states that:
 - a request is identical if both its scope and its wording precisely matches that of a previous request;
 - it is substantially similar if, the wording is different but the scope of the request is the same; or
 - the scope does not differ significantly from that of the previous request.
11. The Commissioner has therefore considered the wording and scope of the three requests.

12. Request one, 13 December 2023:

"Could I please see and have a copy of Milton Keynes Council Policy & procedure which deals with the steps taken when ending council services like day care & short breaks for people with complex needs & disabilities. Can i see the procedure & policy from start to finish especially when it involves the behaviour of the person getting worse. Can i see all stages and what decisions their have to make at each stage."

13. Request two, 21 December 2023:

"Hi Can you please confirm the numbers & titles of procedures used in reviews in 2022, including statutory procedures used during change in support package ending & changing services."

14. Request three, 19 February 2024:

"Can I please see copies of all the procedures & policies with their numbers that Adult Social care use when dealing with clients?"

15. Having reviewed these requests, it is the view of the Commissioner that the request of 19 February 2024, is not repeated or substantially similar to the previous two requests.

16. This is because it is wider in scope than the first two requests as it asks for copies of all policies and procedures used by adult social care rather than specific policies. This means that information held by the Council which did not fall within the scope of the first two requests may fall within the scope of the third request.

17. In this case the Council has not previously provided or refused the information requested on 19 February 2024, therefore it cannot be said that it has previously complied with the request.

18. Accordingly the Commissioner finds that the Council is not entitled to rely on section 14(2) to refuse the request.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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.

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