

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2017

Public Authority: Epping Forest District Council
Address: Civic Offices
High Street
Epping
Essex
CM16 4BZ

Decision (including any steps ordered)

1. The complainant has requested information relating to housing maintenance and how the council has dealt with previous requests. The Commissioner's decision is that Epping Forest District Council has correctly applied the exemption for vexatious requests at section 14(1) of the FOIA. She does not require the public authority to take any steps to ensure compliance with the legislation.

Request and response

2. In response to the council's provisional findings in relation to a complaint, on 4 October 2016, the complainant made numerous requests for information and asked Epping Forest District Council ('the council') various questions. As the requests are contained in a 15 page email, they are not detailed here but are contained in the annex to this decision notice.
3. The council responded on 16 October 2016 stating that the request is vexatious pursuant to section 14(1) of the FOIA.
4. On 18 October 2016, the complainant requested an internal review.
5. The council provided an internal review on 1 November 2016 in which it maintained its original position.

Scope of the case

6. The complainant contacted the Commissioner on 1 November 2016 to complain about the way these requests for information had been handled.
7. When making enquiries to the council on this case, for ease of reference, the Commissioner highlighted the numerous requests for information and various questions in the complainants correspondence to the council dated 4 October 2016 (as per the annex to this decision notice). She explained that whilst a question will not always constitute a request for information under the FOIA, a question can be a valid request if information that answers the question is held in recorded form. Therefore, for completeness, the Commissioner highlighted the questions. She did not highlight previous requests where the complainant is merely referring to them, but did highlight those which appear to be being made as repeat requests.
8. The Commissioner has therefore considered whether the council has correctly applied section 14(1) of the FOIA to the highlighted requests for information and questions in the complainants correspondence to the council dated 4 October 2016.

Reasons for decision

9. Section 14(1) of FOIA states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious. There is no public interest test.
10. The term 'vexatious' is not defined in the legislation. In *Information Commissioner vs Devon County Council & Dransfield*¹, the Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious is only of limited use, because the question of whether a request is vexatious ultimately depends upon the circumstances surrounding that request. The Tribunal concluded that 'vexatious' could be defined as the "...manifestly unjustified, inappropriate or improper use of a formal procedure" (paragraph 27). The decision clearly establishes that the concepts of 'proportionality' and 'justification' are central to any consideration of whether a request is vexatious.

¹ UKUT 440 (AAC) (28 January 2013)

11. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues: (1) the burden imposed by the request (on the public and its staff); (2) the motive of the requester; (3) the value or serious purpose of the request; and (4) and harassment or distress of and to staff. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather, it stressed the

“importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests” (paragraph 45).

12. The Commissioner therefore needs to consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress in relation to the serious purpose and value of the request.

13. The Commissioner has identified a number of “indicators” which may be useful in identifying vexatious requests. These are set out in her published guidance on vexatious requests². The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.

14. In relation to the serious purpose and value of the request, the complainant said that he made a complaint against the council and during the complaint process the council referred to information and documents but did not send him a copy of the information and documents that it was referring to. He explained that he has physical and mental difficulties which make him easily confused and therefore he finds it very helpful to have all of the relevant information to hand when making his case. He said that without having all of the relevant information and documentation to hand he gets confused and cannot present his complaint fully and properly, putting him at a disadvantage which he feels is very unfair.

² <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

15. As way of background and in order to provide context and history, the council explained that the requests for information stemmed from housing maintenance problems, specifically plumbing problems at the complainant's property. It said that these are seen by the council as relatively straightforward matters but the complainant has made a high number of information requests to the council during the period immediately prior to its determination that the requests being considered in this case are vexatious. It explained that much of the complainant's correspondence contains multiple, overlapping requests about the same issues and that additional requests have been made to different officers before the council has had a reasonable opportunity to address earlier enquiries. It also explained that a significant amount of the requested information has already been provided to the complainant or that he has previously been advised that the council does not hold, or is unable to disclose, information and that he has attempted to reopen some issues that have already been comprehensively addressed by the council in its responses to earlier requests or investigated and reviewed through processes such as its internal review procedure and Compliments and Complaints Scheme.
16. The council said that the correspondence of 4 October 2016 is a consistent example of the complexity of correspondence from the complainant over an extended period, which in some cases is a number of years. It also provided the Commissioner with details of 33 requests previously made regarding housing maintenance, 19 requests regarding planning matters at a Tesco site near his property and 4 other requests.
17. In relation to the detrimental impact of complying with the request, the council said that it would have to expend a disproportionate amount of resources in order to comply with the requests. It said that this would be a significant burden on its resources diverting capacity away from the delivery of core services as the scope of the requests mean that information needs to be obtained from various sources. It also said that the effort required to meet the requests would be oppressive in terms of the strain on the council's capacity and resources. The Commissioner notes that the complainant's correspondence of 4 October 2016 contains at least 54 requests for information, albeit that some of those are framed as questions.
18. In its initial response to the complainant, the council said that its experience of dealing with previous information requests that he has submitted suggests that he is unlikely to be satisfied with any response and will submit follow up queries regardless of the information supplied. The Commissioner notes that some of the requests in this case have been made as a result of responses to previous correspondence from the council. Examples of this include the following:

"[Name redacted] letter dated 18 August 2016 refers to the 'Normal ongoing contract monitoring' but does not provide me with any explanation or details of this 'Normal ongoing contract monitoring' that he is referring to. Therefore, please provide me with a Full and Detailed Explanation of the 'Normal ongoing contract monitoring' that [Name redacted] has referred to.

Please also post to my home address a copy of the Council Procedures and Policy relevant to 'Normal ongoing contract monitoring...

...[Name redacted] letter dated 18 August 2016 further states:

'The public sector equality duty is non-delegable'

I understand that 'non-delegable' means 'not capable of being delegated' or 'not permitted to be delegated' but I do not understand the point that [Name redacted] was trying to make by stating 'the public sector equality duty is non-delegable'.

Therefore, please provide me with a Full and Detailed Explanation of the point that [Name redacted] was trying to make by stating 'the public sector equality duty is non-delegable'.

[Name redacted] has not provided me with a copy of the 'Public sector equality duty' that he refers to in his letter dated 18 August 2016 so please post a copy of the 'Public sector equality duty' to my home address."

19. The Commissioner considers that the correspondence of 4 October 2016, containing the requests in this case, can be construed as a detailed analysis of previous correspondence requesting explanations and further details. She views the complainants pattern of behaviour as evidence which strengthens the council's argument that responding to the current request will impose a disproportionate burden on the council.
20. As mentioned in paragraph 13, there may be various indicators which identify a request as potentially vexatious. In this case, the council has said that the request is consistent with the following categories:
 - Burden on the authority
 - Deliberate intention to cause annoyance
 - Disproportionate effort
 - Frequent or overlapping requests
21. The Commissioner agrees with the council's position that complying with these requests would place a burden on the authority, particularly given the complexity of correspondence and references to earlier

correspondence. She has taken into account the council's example that responding to the first two requests, relating to 'normal ongoing contract monitoring', would be a burden as an all-encompassing contract monitoring procedures manual does not exist in one document and that it would be a mix of council procedures, policies and contract documentation. She has also taken into account some of the requests ask for information which the complainant has already been provided with, such as information relating to the Tenant Satisfaction Survey and information relation to complaints from 2014.

22. The Commissioner also considers that the amount of questions contained in the correspondence, which could potentially amount to requests for information, if recorded information exists which answers the questions, adds to the burden of dealing with these requests. The correspondence repeatedly asks whether there has been a service failure, which the council said that the complainant will have its responses to in dealing with his complaints, and refers to previous requests asking when the information will be received. It also asks for opinions such as 'Is it Unfair or Inappropriate to send Workmen to a Tenant's home without the prior Knowledge, Agreement or Consent of the Tenant?'
23. The council said that the request relating to previous complaints made in 2014 is an indicator of the complainant's deliberate intention to cause annoyance as he has previously been provided with responses to complaint he has submitted and has demonstrated that he is aware of the situation with previous complaints. Although the effect of the requests may well be annoyance, the Commissioner hasn't seen any evidence that this is the complainant's deliberate intention.
24. The council also said that the requests demonstrate unreasonable persistence as the complainant is attempting to reopen some issues that have already been comprehensively addressed by the council in its responses to earlier information requests. It informed the Commissioner that a housing complaint is ongoing and it is currently undertaking a review of a response given to a new 23 page email in March 2017. It said that 11 of the requests are being dealt with under the ongoing complaint to the Housing Ombudsman which is indicative of frequent/overlapping requests.
25. The Commissioner considers that the council can establish a case for saying that the request seeks to reopen complaints which are already being adjudicated upon by the appropriate regulator which reduces the serious purpose and value of the request. The Commissioner considers that the complainant has crossed over the line between persistence and obsessiveness by forcing the council to revisit issues that it has already considered; issues that are being looked at by objective bodies.

26. In refusing the requests as vexatious, the council said that it considered the nature, quantum, relevance and purpose of the requests and the time needed to respond to a persistent correspondent.
27. The Commissioner has considered the purpose and value of this request and regards it as enabling the complainant to fully understand the situation regarding his housing complaint against the council. Although she understands that the complainant has physical and mental difficulties that make him easily confused, she considers that the purpose of this request is of little wider benefit to the public, which then restricts its value.
28. When considered in the context and history of the case the Commissioner does not consider that the purpose of the requests justifies the disproportionate effect on the authority. The council has explained how responding to the request would be a burden and would involve an unreasonable diversion of resources away from core tasks particularly when the complainant has already received some of the requested information. The Commissioner considers that providing the requested information would not satisfy the complainant. She considers that compliance with the request would be likely to result in further correspondence and has seen no evidence to suggest that providing the requested information in this specific request would satisfy the complainant or bring an end to the issue. Conversely, she considers that the complainant may use the requested information to create further points of dispute which could be tangential to the core issues. The Commissioner can understand how responding to this request, when coupled with previous dealings on the same matter, would cause a disproportionate burden on the council.
29. Returning to the findings of the Upper Tribunal in Dransfield, and its view that a holistic and broad approach should be taken in respect of vexatious requests, the Commissioner has decided that the council was correct to deem the request vexatious. Accordingly she Commissioner finds that section 14 of the FOIA is engaged.

Right of appeal

30. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

31. 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.
32. 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

Deborah Clark
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Thank you for your Letter dated 9 September 2016 which is your Provisional View of my Complaints regarding Gracelands CMS Ltd and how various Council Officers have responded to my Complaints.

I would like a Letter of Apology from [Name redacted], [Name redacted] and some Compensation for the upset and inconvenience etc that these matters have caused to me:

- [Name redacted] letter dated 18 August 2016 refers to the 'Normal ongoing contract monitoring' but does not provide me with any explanation or details of this 'Normal ongoing contract monitoring' that he is referring to. Therefore, please provide me with a Full and Detailed Explanation of the 'Normal ongoing contract monitoring' that [Name redacted] has referred to.

Please also post to my home address a copy of the Council Procedures and Policy relevant to 'Normal ongoing contract monitoring'.

- [Name redacted] letter dated 18 August 2016 states:

'She ([Name redacted]) works part time and has dealt with your previous complaints in 2014'

[Name redacted] refers to previous complaints in 2014 but has not provided Full information regarding the complaints that he is referring to. Therefore please post to my home address a Full Copy of the Complaints in 2014 that [Name redacted] is referring to.

- [Name redacted] letter dated 18 August 2016 further states:

'I have enclosed with this letter a copy of a letter, on Gracelands headed paper that has been written by the Director apologising unreservedly for the missed appointment as you have requested'

[Name redacted] has provided me with a Copy of a letter dated 11 August 2016 from Gracelands but I have not received the Original letter in the post from Gracelands. Is that a Service Failure?

What date will Gracelands post the Original letter to my home address?

- [Name redacted] letter dated 18 August 2016 further states:

'All of the explanations from Gracelands refer to work in the loft'

There is obviously information and/or documents available regarding 'All of the explanations from Gracelands' that [Name redacted] is referring to. Please post to my home address a copy of all of the information and/or documents (including all of those electronically held on the Council's computer system) relating to 'All of the explanations from Gracelands' that [Name redacted] refers to.

- [Name redacted] letter dated 18 August 2016 further states:

'The public sector equality duty is non-delegable'

I understand that 'non-delegable' means 'not capable of being delegated' or 'not permitted to be delegated' but I do not understand the point that [Name redacted] was trying to make by stating 'the public sector equality duty is non-delegable'.

Therefore, please provide me with a Full and Detailed Explanation of the point that [Name redacted] was trying to make by stating 'the public sector equality duty is non-delegable'.

[Name redacted] has not provided me with a copy of the 'Public sector equality duty' that he refers to in his letter dated 18 August 2016 so please post a copy of the 'Public sector equality duty' to my home address.

- [Name redacted] letter dated 18 August 2016 further states:

'Contractors appointed to deliver our services take on our duty and we must ensure that any contractor is capable of complying with the duty, understand their obligations, and meet the duty in practice. I should point out that this duty is across all 9 protected characteristics including age, ethnicity, gender etc not just male and female roles'

[Name redacted] has stated that the Council must ensure that Gracelands is capable of complying with the duty, must understand their obligations, and meet the duty in practice. But [Name redacted] has not provided me with the relevant Evidence regarding Gracelands and their compliance to the 9 protected characteristics therefore please post a copy of the relevant Evidence (including Evidence electronically held on the Council's computer system) to my home address.

[Name redacted] has stated that the Council must ensure that Gracelands is capable of complying with the duty etc but has not provided me with a Full and Detailed Explanation of how the Council achieves that, and has not provided me with any Evidence either. Therefore, please provide me with a Full and Detailed Explanation of how the Council ensures that Gracelands is

capable of complying with the duty etc and please also post to my home address a copy of the relevant Evidence.

[Name redacted] refers to Gracelands and the 9 protected characteristics but does not state what those 9 protected characteristics are and how Gracelands comply with those 9 protected characteristics. Therefore, please provide me with a Full and Detailed Explanation of how Gracelands comply with those 9 protected characteristics and please post to my home address a copy of any Evidence.

- [Name redacted] letter dated 18 August 2016 further states:

'At the Senior Management level within Gracelands CMS Ltd, of the top 6 positions within the Management Team we recorded a 50:50 mix of male and female, which was closest to an even mix from all of the bidders'

Please provide me with the Full Name and Job Title of each of the 6 people that [Name redacted] is referring to.

Please provide the same information for each of the other Bidders to the Gas Servicing and Maintenance Contract in 2015.

Please also do the same for the Council ie break down each of the Various Roles throughout the entire Council and detail the number of males and females in each of those roles at the Council.

- [Name redacted] letter dated 18 August 2016 refers to a 'Pre-Qualification Questionnaire Assessment' for each of the Bidders. Please post to my home address a copy of the 'Pre-Qualification Questionnaire Assessment' for each of the Bidders to the Gas Servicing and Maintenance Contract in 2015.

- [Name redacted] letter dated 19 July 2016 confirms that Gracelands made an error regarding the date of the scheduled visit, failed to answer my relevant questions, made a further error in scheduling, and failed to attend my home on 29 June 2016.

[Name redacted] letter dated 19 July 2016 referred to a Tenant Satisfaction Survey. I was not aware of completing a Tenant Satisfaction Survey so my email dated 2 August 2016 asked for a copy to be sent to my home address. [Name redacted] letter dated 18 August 2016 provides a copy of a Tenant Satisfaction Survey. I did not complete that Survey, therefore, who completed that Survey?

- When I arrived back home from the Doctors Surgery on 29 September 2016 I was shocked to find correspondence from EFDC Workmen stating that they had visited but I was not home. I wasn't expecting any Workmen on 29

September so I rewound my Security Cameras and sure enough an EFDC Repairs Van arrived at my home at 14:42 PM, followed closely by a second EFDC Repairs Van at 14:43 PM.

This is the Second time that EFDC Workmen have arrived at my home without my Knowledge, Agreement or Consent and I really am feeling quite Upset, Stressed and very Confused by this entire matter.

The First Time that the Council sent Workmen to my home without my Knowledge, Agreement or Consent was on Monday 5 September 2016.

[Name redacted] email dated 23 September 2016 Agrees that I can arrange separate Mutually Convenient appointments for the 2 Repairs that I require so I am feeling very Upset that the Council reneged on our agreement by sending Two Workmen to my home without my Knowledge, Agreement or Consent.

The Council is aware that I have physical and mental difficulties which make me easily Stressed and Confused so I think this is very Unfair and Unjust:

Thursday 29 September 2016 is the Second Time that the Council has sent Workmen to my home without my Knowledge, Agreement or Consent.

The Council has Broken our Agreement regarding Mutually Convenient appointments so I am now feeling rather Pressured, Harassed and Bullied into accepting appointments that are not convenient for me. That is not Fair.

I had absolutely no idea that Two Workmen would be visiting my home on Monday 5 September or Thursday 29 September 2016 so when I returned home I was shocked to find correspondence from the Plumber and the Carpenter stating:

'I called today to carry out work to your property. Unfortunately I was unable to gain access and therefore assume that the items of repair/renewal are no longer required. Accordingly I would advise that this work will now be cancelled'

The Council did not inform me that Two Workmen would be visiting my home on Monday 5 September or Thursday 29 September so it does seem very Unfair and Unjust that the required works were then Cancelled.

The correspondence from the Plumber and the Carpenter further states:

'Please note, failure by tenants to keep appointments may result in a charge being made for wasted time'

The Council did not tell me that the Plumber and the Carpenter would be visiting my home on Monday 5 September or Thursday 29 September so it

does seem very Unfair and Unjust that I may be charged for their 'Wasted Time'.

Surely, it is the Council who are guilty of causing the 'Wasted Time' by sending Two Workmen to my home without my Knowledge, Agreement or Consent on Two separate occasions?

Therefore, why should I be charged for their 'Wasted Time' when I did not cause their 'Wasted Time' ? Surely it is me who should be compensated for this 'Wasted Time'?

This does feel very Unfair and Unjust to me.

Why did the Council send the Two Workmen to my home without my Knowledge, Agreement or Consent? Is that normal Council Policy or Procedure?

The Council is aware that I have physical and mental difficulties and do not want to have Two Workmen in different parts of my home at the same time as I cannot be in two places at once in order to monitor the Workmen (one in the Loft and one in the Kitchen).

Please would you confirm the following:

1) The Council does Not have a written Policy or Procedure document explaining to Tenants or Staff how Repairs Appointments should be arranged, and the Council has no intention of introducing a Policy or Procedure document to explain to Tenants or Staff how Repairs Appointments should be arranged (including the ability to request Mutually Convenient Appointments).

[Name redacted] email dated 14 September 2016 states that the Council does Not have a written Policy regarding 'Proactively offered appointments' (appointments arranged without the prior Knowledge, Agreement or Consent of the Tenant), therefore the Council is operating an unwritten Policy of routinely arranging home repairs without the prior Knowledge, Agreement or Consent of the Tenants involved. That does seem rather inappropriate to me.

I find it difficult to understand why the Council prefers to arrange these 'Proactively offered appointments' instead of 'Mutually convenient appointments', therefore please would you kindly explain why the Council prefers to arrange Repairs Appointments without the prior Knowledge, Agreement or Consent of the Tenants involved.

[Name redacted] email dated 3 October 2016 states:

'The Council does not have a written policy for the making of appointments'

I feel that the Council should introduce a Policy or Procedure document to advise Tenants and Staff how to arrange Repairs Appointments including Mutually Convenient Appointments.

Why doesn't the Council have a Policy or Procedure document explaining to Tenants and Staff how Repairs Appointments should be arranged?

2) The Council clearly operates an unwritten Policy of routinely arranging home Repairs Appointments without the Knowledge, Agreement or Consent of the Tenants involved. I feel that is inappropriate and Tenants should have the right to request 'Mutually Convenient' repairs appointments:

[Name redacted] arranged two appointments (for 25 August and 5 September 2016) without my Knowledge, Agreement or Consent. [Name redacted] arranged a third appointment (for 29 September 2016) without my Knowledge, Agreement or Consent. [Name redacted] arranged a fourth and fifth appointment (for 17 October and 18 October 2016) without my Knowledge, Agreement or Consent.

[Name redacted] sent me Five emails dated 29 September 2016 which I found very confusing. I suffer with physical and mental difficulties that sometimes make me easily confused so that may explain why I became very confused by [Name redacted] Five emails, however:

Two of [Name redacted] Five emails state that she wants to recall Two of her emails but I didnt know which Two of the Three remaining emails [Name redacted] wanted to recall so that made it very confusing for me. Therefore, my email to [Name redacted] dated 1 October 2016 states:

'Two of your Five emails state that you want to recall Two of your emails but I don't know which Two of the Three remaining emails you want to recall. Therefore, please would you confirm which Two of the Three remaining emails you want to recall?'

[Name redacted] email dated 3 October 2016 Failed to answer my question.

I am very confused and upset that [Name redacted] made Two Repairs Appointments without my Knowledge, Agreement or Consent because my email dated 11 September 2016 asks if I can be allowed to arrange Two separate Mutually Convenient Appointments when I am feeling less unwell, and [Name redacted] email dated 23 September 2016 has agreed to my request.

Furthermore, my email to [Name redacted] dated 1 October 2016 states:

'Please will you confirm that I am allowed to arrange Two Mutually Convenient Appointments when I am feeling less unwell?'

[Name redacted] email dated 3 October 2016 Failed to answer my question so I had to ask [Name redacted] again in my email dated 4 October 2016 which states:

'Please will you confirm whether or not I am allowed to arrange Two separate Mutually Convenient Repairs Appointments when I am feeling less unwell?'

'In other words, when I am feeling less stressed, less upset and less confused by this entire matter (which I have been trying to resolve since 24 June 2016) will I be allowed to contact the Council and arrange Two separate Mutually Convenient Repairs Appointments for the Plumber and the Carpenter to visit separately on different days?'

- With reference to provisional appointments [Name redacted] email dated 1 September 2016 states:

'You also state that provisional appointment/s have been made for you without your agreement or knowledge, please note that such appointments can be made without any consent from yourself if deemed necessary'

My Complaint email to [Name redacted] dated 1 September 2016 states:

'Please post to my home address a Full Copy of the Council Policy Document that confirms [Name redacted] statement 'Please note that such appointments can be made without any consent from yourself if deemed necessary'.

To date, I have not received a copy of the Council Policy Document that states that *'appointments can be made without any consent from the Tenant'*.

I feel that it is inappropriate and unfair that *'appointments can be made without any consent from the Tenant'*.

I feel that Tenants should have the right to request 'Mutually Convenient' repairs appointments.

Why doesn't the Council allow Tenants to have the right to insist upon 'Mutually Convenient' repairs appointments?

3) The Council routinely sends Workmen to Tenant's homes without informing the Tenant's in advance.

The Council sent Two Workmen to my home on Monday 5 September and also on Thursday 29 September 2016 without my Knowledge, Agreement or Consent.

I feel it is unacceptable for the Council to have sent a Plumber and a Carpenter to my home without my Knowledge, Agreement or Consent, not just on one occasion but on two separate occasions.

Is it Unfair or Inappropriate to send Workmen to a Tenant's home without the prior Knowledge, Agreement or Consent of the Tenant?

4) The Council initially Refused to allow me to arrange a Mutually Convenient appointment for the Carpenter to inspect the wooden frame in the Loft, and a separate Mutually Convenient appointment for the Plumber to inspect the stop-tap under the Kitchen sink.

My email to [Name redacted] dated 11 September 2016 states:

'I would like to be allowed to arrange 2 mutually convenient appointments for the Plumber and the Carpenter to visit separately when I am feeling better as I do not want to feel that I am being pressured and harassed into having the works completed whilst I am feeling so ill and vulnerable. Is that acceptable to the Council?'

[Name redacted] email dated 12 September 2016 states:

'The Repairs Section have advised that the Plumber and Carpenter will be visiting together'

'This is firstly to minimise inconvenience to yourself (multiple appointments) and secondly it is hoped that by sending a multi-skilled team, they will be able to answer all of your questions during the one visit, and ensure that nothing is missed'

'With regards your concern about feeling vulnerable during such a visit, you may ask a friend or family member to be present during any appointment'

[Name redacted] is aware that I have requested two separate appointments but states that the Two Workmen will be visiting together in order to minimise inconvenience to myself (by multiple appointments). That is an absurd and perverse reason for refusing my request for two separate appointments. It also feels Unfair.

[Name redacted] second reason for refusing my request for two separate visits is that a multi-skilled team will be able to answer all of my questions during one visit to ensure that nothing is missed. I do not have any questions for the Plumber or the Carpenter so that is another absurd and

perverse reason for refusing my request for two separate appointments. It also feels Unfair.

With reference to my concerns of feeling vulnerable not being able to monitor Two Workmen in separate parts of my home at the same time (one in the Loft and one in the Kitchen), [Name redacted] states that I may have a friend or family member present during the appointment. That feels like an Inconsiderate or Inappropriate response to my request for separate appointments. Also, **why should I inconvenience a friend or family member when the Council can simply arrange two separate appointments?**

Obviously in cases where the actual Repair itself requires Two Workmen to work in separate parts of the home at the same time then it is clearly necessary for the Council to insist upon the workmen visiting at the same time.

However, when it is not necessary to have Two Workmen visiting at the same time, I feel that Tenants should have the right to choose separate appointments so that they can monitor the workmen carrying out the Repairs in their home. **Why doesn't the Council allow that?**

Not being able to monitor the workmen in your own home does feel rather Unfair seeing as there could be safety or security concerns when allowing multiple workmen into your home and not being able to monitor them because they are working in different rooms.

To date I have not received a reply from [Name redacted].

I reported the wobbly Central Heating Expansion Tank Stand (in the Loft) to Gracelands by email on 24 June 2016 but they Failed to reply to my questions and Failed to Repair or Replace the Expansion Tank Stand when they visited on 1 July 2016.

Gracelands were supposed to visit my home on Wednesday 29 June 2016 between 12 and 5pm. The engineer Failed to arrive. Gracelands didn't even bother to ring me, or text me, or email me to let me know that the engineer wouldn't arrive.

With reference to the seized-up Stop Tap under the kitchen sink my Complaint email to [Name redacted] dated 29 June 2016 states:

'The Stop Tap under the kitchen sink is also seized up (see Attached picture). Please confirm that Gracelands will bring a Pipe Freezing Machine and replace the seized up Stop Tap.'

Should [Name redacted] have arranged for the seized-up Stop Tap under my kitchen sink to be dealt with seeing as I raised it in my Complaint email dated 29 June 2016? If not, who should have arranged it and when?

- [Name redacted] Letter dated 30 August 2016 provided me with a copy of the EFDC Equality Policy dated July 2011. That Equality Policy is over 5 years old and states 'The Corporate Equality Working Group will review this Equality Policy annually to ensure that it is consistent with current legislation, reflects best practice, and is challenging.

Please post to my home address a copy of the Review Documentation produced by The Corporate Equality Working Group following each of its annual reviews of the Council's Equality Policy. I requested a copy of this Documentation in my email dated 9 September 2016 so I believe that I should receive it within 20 working days of my request date (9 September 2016). Is that correct?

My email to [Name redacted] dated 1 September 2016 states:

'You have provided me with a copy of the EFDC Equality Policy dated July 2011. Is that the current version of the EFDC Equality Policy as it is over 5 years old and states 'The Corporate Equality Working Group will review this Equality Policy annually to ensure that it is consistent with current legislation, reflects best practice, and is challenging. Has the Corporate Equality Working Group not updated the Equality Policy in the past 5 years?'

[Name redacted] provided me a reply by email dated 8 September 2016 which states:

'The policy sent to you was current at the time of issue. The Policy is currently being updated and the Council's Equality Policy 2016 is expected to have been ratified by the Council, and made available on the Council's website, within the next few weeks'

As you can see, [Name redacted] email Failed to answer my questions. Therefore, my email to [Name redacted] dated 8 September 2016 requested a FOI Review.

[Name redacted] Letter dated 29 September 2016 confirms that the Council's Equality Policy has not been updated since it was originally published.

I need a copy of the documentation produced by The Corporate Equality Working Group following each of its annual reviews of the Council's Equality Policy since July 2011. Please post a copy of those documents to my home

address. I requested this Documentation in my email dated 9 September 2016 so please will you confirm the date that I will receive it?

- My email to [Name redacted] dated 1 September 2016 states:

The EFDC Equality Policy dated July 2011 that you have posted to me states:

'The Council's Single Equality Scheme is currently under development and will set out in greater detail how the Council will meet its equality duties'

The Council's Single Equality Scheme has clearly been under development since July 2011, when will it be completed?

[Name redacted] provided me a reply by email dated 8 September 2016 which states:

The Equality Scheme was produced in 2011 and delivered the Council's Equality Objectives for the 4 years between April 2012 and March 2016. Although it is now out of date and has been superseded by a new set of objectives (see following paragraph), it is for now still on our website <http://www.eppingforestdc.gov.uk/index.php/your-council/plans-and-performance/equality> whilst waiting to be taken down as no longer current.

The new set of equality objectives for 2016 – 2020 are on the same page of the website in the form of an action plan. We will not be producing a Scheme for this current set of objectives as the action plan is more focussed and will be updated 6 monthly and published after it has completed its internal approval process.

As described above, the Equality Policy is currently being updated and the Council's Equality Policy 2016 is expected to have been ratified by the Council, and made available on the Council's website, within the next few weeks.

I did not understand [Name redacted] reply so my email (to [Name redacted]) dated 9 September 2016 states:

You have provided me with a copy of the EFDC Equality Policy dated July 2011. That Equality Policy is over 5 years old and states 'The Corporate Equality Working Group will review this Equality Policy annually to ensure that it is consistent with current legislation, reflects best practice, and is challenging.

I have asked you if the Corporate Equality Working Group has updated the Equality Policy in the last 5 years but I cannot understand the answer that you have provided to that question. So let me ask the same question but in a different way:

- How many times has the Corporate Equality Working Group reviewed the EFDC Equality Policy dated July 2011 since July 2011? Please post to my home address a copy of the documents relating to the annual reviews of the EFDC Equality Policy dated July 2011 by the Corporate Equality Working Group from July 2011 onwards.

I asked that Question and requested that Documentation on 9 September 2016. **Will I receive an Answer and the Documentation within 20 working days of my request dated 9 September 2016?**

Have any of those annual reviews led to an update of the EFDC Equality Policy dated July 2011? If so, please post to my home address a copy of the updates to the EFDC Equality Policy dated July 2011.

The EFDC Equality Policy dated July 2011 that you have posted to me states:

'The Council's Single Equality Scheme is currently under development and will set out in greater detail how the Council will meet its equality duties'

The Council's Single Equality Scheme has clearly been under development since July 2011. You have stated that the Council's Single Equality Scheme should be completed within the next few weeks. Why has it taken over 5 years for the Council to complete its Single Equality Scheme?

I still have not received all of the Information and Documentation requested in my email 9 September 2016. **Will I receive them shortly? Is that a Service Failure?**

- Paragraph 8 of [Name redacted] Provisional View Letter dated 9 September 2016 states that I completed a Tenant Satisfaction Survey on which I recorded that I found every aspect of Gracelands work to be Very Good. That is not correct. **I did not complete that Survey, therefore, who did?**

- Paragraph 12 confirms that Gracelands Failed to respond to the questions that I put to them in my email dated 24 June 2016. **Was that a Service Failure? If so, have any Procedures or Policy been reviewed or changed to ensure the same Failure does not reoccur? If so, please post to my home address a copy of the new Procedures or Policy document(s).**

- Paragraph 13 confirms that [Name redacted] provided me with incorrect information regarding the Stop Tap under the kitchen sink. Is that a Service Failure? Do any Procedures or Policy need to be reviewed or changed to ensure the same Failure does not reoccur? If so, please post to my home address a copy of the new Procedures or Policy document(s).

Paragraph 13 also confirms that [Name redacted] stated that the Wooden Frame in the Loft would not be dealt with until a new central heating system is installed in my home. Is that a Service Failure?

Paragraph 22 confirms that [Name redacted] did not answer the questions/requests in my previous emails. Is that a Service Failure? Do any Procedures or Policy need to be reviewed or changed to ensure the same Failure does not reoccur? If so, please post to my home address a copy of the new Procedures or Policy document(s).

Paragraph 27 confirms that Gracelands failed to attend my home, as agreed, on 29 June 2016 but a compensation payment is not warranted. I disagree with that decision.

Paragraph 37 confirms that I was provided with confusing information regarding the Stop Taps in the Kitchen/Loft. Is that a Service Failure? Do any Procedures or Policy need to be reviewed or changed to ensure the same Failure does not reoccur? If so, please post to my home address a copy of the new Procedures or Policy document(s).

Paragraph 39 refers to [Name redacted] Letter dated 30 August 2016 regarding the Freedom of Information Act.

My email dated 9 September 2016 asked [Name redacted] to post me a copy of the Council's Freedom of Information Policy.

On 14 September 2016 I received from [Name redacted] a document titled 'Epping Forest District Council – Freedom of Information Act 2000 – Model Publication Scheme and Guide to Information – December 2011. This document is not titled Freedom of Information Policy so please would you confirm that it is the Council's Freedom of Information Policy document? This document is almost 5 years old, has the Council not updated its Freedom of Information Policy in the past 5 years?

Is this Model Publication Scheme and Guide to Information document dated December 2011 the Council's current Freedom of Information Policy document?

The reason I am asking if this Council FOI Policy document dated December 2011 is the current version is because:

- [Name redacted] also sent me an ICO Freedom of Information document which is Undated but marked 'Version 2.2' This 'Version 2.2' document refers to Regulations dated 2015 but the Council's Freedom of Information Policy that [Name redacted] sent to me is dated December 2011 so I am wondering if the Council's FOI Policy dated December 2011 is now out of date?

Is 'Version 2.2' the current ICO Freedom of Information document? Or is 'Version 3.2' the current version for the 'Model Publication Scheme'?

In other words, has the Council been operating an 'out of date' version of the Freedom of Information 'Model Publication Scheme' ? If so, does that mean that the Council was also operating an 'out of date' Freedom of Information Policy?

Is that a Service Failure due to Poor record keeping or Failure to take action or Failure to follow procedures or the law or Poor communication or Giving out misleading information etc?

With reference to Freedom of Information requests:
[Name redacted] email dated 1 July 2016 states:

'If, once a particular investigation has been completed, you want copies of any documents, then you will need to submit a formal Freedom of Information request'

'You can find details of how to do so on the Council's website: www.eppingforestdc.gov.uk'

'Please note there is a charge made for providing documents under FOI requests'

Is all of that correct as per current Freedom of Information guidelines?

[Name redacted] email dated 4 July 2016 states:

'Freedom of Information requests'

'Material which is published and accessed on a website will be provided free of charge'

'Charges may be made for photocopying, postage and packaging or the costs directly incurred as a result of viewing information'

'There is usually a minimum charge of £10 per FOI request'

'Confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information'

Is all of that correct as per current Freedom of Information guidelines?

[Name redacted] email dated 5 July 2016 states:

'A request for documents relating to a complaint would be regarded as an FOI request and a charge is likely to be levied'

Is that correct as per current Freedom of Information guidelines?

My email to [Name redacted] dated 5 July 2016 states:

'Your email dated 5 July 2016 states that requests for documents relating to a Complaint will be viewed as a Freedom of Information Request and likely to incur a charge'

'I believe it is Unfair and Unjust to charge for copies of Council documents that are requested to support a Complaint against the Council. Therefore, please accept this email as a Formal Complaint on that basis'

Did [Name redacted] deal with that issue as a Complaint?

[Name redacted] email dated 6 July 2016 states:

'The Council is legally entitled to charge for supplying documents requested under the Freedom of Information Act'

'You would need to submit an FOI request and see what charge might be levied before any challenge by you to that would be considered'

'But if you only require a very small number of documents - a few pages - then it may be decided not to impose a charge at all'

Is all of that correct as per current Freedom of Information guidelines?

[Name redacted] email dated 8 July 2016 states:

'Requests for copies of documents – if you submit such requests ,then a decision will be made at that time as to whether these can be provided free of charge or need to be dealt with formally under the Freedom of Information Act in which case a charge may be levied. It all depends on how many documents are requested; how quickly these can be accessed by the Council and what cost the Council would incur in providing these. So, for example, if you ask me personally for ,say just 3 or 4 documents, each of just 1 or 2

pages, all of which I have on my computer and which I could email to you, I would be prepared to do so without charge. But if you ask for a number of archived documents which may take time to access and for these to be sent to you by post, then that type of request is likely to attract a charge because of the staff time and actual costs the Council would incur in providing the information. Please note that the Council does not have to provide documents that are already freely available in the public domain. For example, copies of legislative Acts or Government guidance'

Is all of that correct as per current Freedom of Information guidelines?

[Name redacted] email dated 12 July 2016 states:

'How the Council will respond to Freedom of Information requests was determined by Members'

'Member decisions cannot be considered under the complaints scheme, nor is there is any other right of appeal against these'

'However, the Council's Freedom of Information has clarified that now a charge for providing documents is not made unless it take more than a total of 18 hours of officer time to locate and provide these'

Is all of that correct as per current Freedom of Information guidelines?

With reference to the documents that [Name redacted] sent to me (Council's FOI Policy document dated December 2011, and the ICO FOI document Version 2.2) and [Name redacted] statements regarding Freedom of Information requests (detailed above), **are those statements a Service Failure due to Poor communication or Giving out misleading information etc?**

My email to [Name redacted] dated 22 September 2016 states:

Please post to my home address a copy of the document(s) relating to the Members' decisions on 'How the Council will respond to Freedom of Information requests' as detailed in your ([Name redacted]) email dated 12 July 2016.

When will I receive a copy of those documents?

- My email to [Name redacted] dated 8 July 2016 Requested Information and Documentation regarding Health and Safety issues and Gender Equality issues at Gracelands CMS Ltd.

[Name redacted] provided some of that Information and Documentation via Freedom of Information request number IRO3250 on 30 August 2016. It

took the Council over 7 weeks to provide that Information and Documentation.

Should the Council have provided it within 20 working days seeing as [Name redacted] email dated 11 August 2016 states:

'You have already been made aware, the FOI response will be supplied within 20 working days of receipt of your request' (Request was dated 8 July 2016)

- My email to [Name redacted] dated 1 September 2016 Requests Information and Documentation including the Council's External Decorating Contract (or preferably the Contract relating to Heating Engineers and Plumbers), EFDC Equality Policy, The Corporate Equality Working Group, Single Equality Scheme etc.

[Name redacted] email dated 8 September 2016 states:

Your request for the release of this information will be considered under the Freedom of Information Act 2000 and your request has therefore been forwarded to the Council's Freedom of Information Officer who will contact you in due course to advise on the progress of your request.

Please would you confirm the FOI request number and if I will receive the Information and Documentation within 20 working days of my Request dated 1 September 2016?