

Mr Ewan Smith and Angus Council (201101108)

The information request

On 7 April 2011, you asked the Council for the following information:

“...all surveyor reports, carried out as part of the Arbroath Schools Project, and all notes (including handwritten notes) pertaining to these surveys for the following schools in Arbroath: Hayshead Primary, Wardykes Primary, Inverbrothock Primary, St Thomas Primary, Ladyloan Primary, Timmergreens Primary and Muirfield Primary. The period requested is from 2007 – the current date.”

On 17 May 2011, the Council advised that there had been no specific surveyor reports carried out with respect to the Arbroath Schools Project, but the Council had prepared School Estate Management Plans (SEMPs) for each school. The SEMPs were periodically updated. In addition, an annual Property Inspection Report was prepared for each school. The Council stated that it would provide you with copies of the above documents for each school listed in your request.

On 18 May 2011, you told the Council that some documents were missing from those provided: specifically, SEMPs and annual Property Inspection Reports for 2007 and 2008, for all schools. On 19 May 2011 you sent another email asking the Council to ensure that it dealt with your request for “all handwritten notes”, where relevant. On 23 May 2011, you confirmed that you had received SEMPs and annual Property Inspection Reports for 2009 only.

On 10 June 2011, the Council wrote to advise that, after reviewing its response to your request, it was sending further relevant information: spreadsheets relating to the condition surveys carried out at each school, and, where available, handwritten notes, memos and costings for various works required at the schools. The Council also explained that handwritten notes were destroyed when the information was transferred to the condition survey spreadsheet.

You then applied to the Scottish Information Commissioner for a decision.

The investigation

I contacted the Council with various questions about the information it holds in relation to the school surveys. I asked the Council to confirm whether it held the following information:

- a) Surveyors' suitability excel spreadsheets for the schools listed in your request.
- b) SEMPs for these schools, for the years 2007, 2008, 2010 and 2011.

The Council was also asked about information from pages 11 and 12 of the

condition survey sheets for Timmergreens, Muirfield and Wardykes primary schools - the Council had provided you with copies of this information after you advised that it was missing, but you were concerned that the version provided was not completed by hand, unlike the other condition survey sheets provided earlier. I asked the Council whether the information in both versions (handwritten and typed) was the same.

The Council wrote back to me on 12 September 2011. It explained that surveyors' suitability excel spreadsheets for each school were incorporated in the SEMP's (sent to you on 17 May 2011 and available on the Council website). It said that all suitability assessment information for the schools had been replicated in the information sent to you on 21 June 2011.

The Council explained that SEMP's had not been prepared for the years 2007, 2008, 2010 and 2011, because SEMP's are published on a 5-year cycle. (The Council later advised that it expects to publish SEMP's for the relevant schools in 2014.)

The Council also outlined its policy on disposing of draft documents and working papers, and provided some background information about the schools survey process.

You then made the following points to me:

You had received the suitability assessment worksheets, but believed there should also be excel spreadsheets, similar to those provided for the Condition reports, which would show the raw data supporting the conclusions made in the suitability assessments.

In relation to SEMP's, you accepted that an in-depth assessment must be carried out every five years, but stated that an annual assessment must be communicated to the Scottish Government and that you would be entitled to see the assessments for 2007, 2008, 2010, and (where available) 2011.

In relation to the handwritten version of pages 11 and 12 of the surveyor sheets for Timmergreens, Muirfield and Wardykes primary schools, you queried the Council's account of who had carried out the surveys, and why there was some variation in the gradings between the handwritten and typed versions of the sheets.

I decided to visit the Council to help me understand what information it collects as part of the survey process, and what it retains. I also wanted to see what had been sent to you already. In relation to your application for a decision from the Commissioner, it seemed that there were two key points to consider: firstly, whether the Council had identified all information falling within the scope of your request; and secondly, whether you had received all such information.

I visited the Council on 11 October and spoke mainly to the Council's FOI officer.

Information collected/retained by the Council in relation to school surveys

1. I asked about the information sent annually to the Scottish Government. The following explanation was provided in an interview with an officer from the Education Department, and confirmed in an email from the Council after my visit.

The Council carries out an annual inspection of each school building, and collects information a) relating to future maintenance needs or b) about any significant improvement works completed during the previous year (e.g. completion of a new extension). Where changes or developments have taken place, the school's condition survey spreadsheet is updated with this information. The updating process over-writes the existing data, which is then lost.

The information from the each school's spreadsheet then feeds into a summary spreadsheet holding information on all Angus schools, which is the source of the summary information sent annually to the Scottish Government. (The information is also shared with the Council's Education Committee.) In spring each year, the Council submits information to the Scottish Government through an online database system – this information is published by the Scottish Government.

From this, I've concluded that the information sent to the Scottish Government doesn't include any new data, but comes from the same data sources you've already seen (the condition and suitability survey data). This can't be double-checked though, because the information is submitted through an online database and the process doesn't generate any separate document showing exactly what has been submitted to the Scottish Government.

2. Handwritten / typed versions of condition survey spreadsheets.

You challenged the Council's failure to provide pages 11 and 12 of the condition survey for Warddykes, Timmergreens and Ladyloan schools. When these were later provided (June 2011) you queried why the entries on pages 11 and 12 were typed rather than handwritten, as on the pages previously provided.

The Council has explained that the condition survey sheets which were completed by hand were then used to update the version saved electronically on its computer system. It acknowledged that some of the gradings were different on the handwritten and typed versions and advised that this could be the result of the officer responsible for all School Estate Management Plans having reflected on the raw information provided by the Surveyor who carried

out the initial survey and decided to revise it when updating the electronic version of the spreadsheet to ensure a consistent approach is adopted across the entire school estate, and in accordance with Scottish Government guidance. There were no records or notes showing the reasons for any of the revised gradings – this appears to be information which the officer involved did not record, and his reasons are therefore not information which is accessible under the Freedom of Information (Scotland) Act 2002.

The Council has confirmed that the officer has support from administrative staff to help update the survey spreadsheets. This was borne out by a note I found in the file when I visited the Council, which noted that sections 11 and 12 of the surveys were completed separately from the rest of the survey, and at a later date, and that the survey spreadsheets were updated by admin staff. Another note in the file from the Education department confirmed that all handwritten notes were destroyed after typing. The exceptions seem to have been the handwritten versions of the survey sheets already provided to you – it is thought that these were retained by the surveying officer contrary to the normal procedure of destroying drafts and notes after completion of a report

I examined all the information provided to you. I found two versions of the Timmergreens surveyor sheets, one dated 18 February, with handwritten entries, the other dated 20 February with typed entries. Some of the gradings were different on the two versions. After the visit, I asked the Council whether you had received both versions, and was told that both had been provided.

Following my visit, I asked the Council to check whether you had received pages 11 and 12 of the condition survey for the other schools covered by your request. The Council has sent me copies to pass on to you (enclosed).

Conclusion

I haven't found any evidence that the Council holds other information covered by your request. The officers most closely involved with the survey process have been asked whether they hold any additional information (e.g. handwritten notes), but the only information produced from these enquiries has already been provided to you.

The information retrieved doesn't show why some of the gradings have changed. As you know, FOISA only covers "recorded" information, so I can't investigate what is known by Council officers and not recorded.

In terms of your rights under FOISA, I think there is evidence that the Council has carried out searches which would have been likely to retrieve any information covered by your request, and that it is not deliberately withholding any information.

Postscript

After completing the above report and receiving your comments, I asked the Council again about the lack of information that would show reasons for the altered scoring grades. I drew attention to the guidance on the Scottish Government website (HYPERLINK "http://www.scotland.gov.uk/Publications/2007/03/12142801/1" <http://www.scotland.gov.uk/Publications/2007/03/12142801/1>) and in particular, the part that says:

Documented Process

1. Local authorities should have a stated system setting out their process for assigning condition categories to schools. In addition, an auditable record of that process and its results should be maintained. As a minimum, this should reference the process used and document the sources of input data, the names and roles of the participants, the dates over which the condition review activities took place, and the condition categories assigned to each of the major elements and to the school as a whole. The record should also note any amendments made to the overall school condition rating arrived at by the standard process.

I asked whether the information about the grading process for condition categories is “auditable” if no information is recorded that would show why some grades were altered during the process.

The Council replied on 13 December – you have seen a copy of the response. The Council takes the view that the changes to the scoring grades are “auditable” but did not provide any detailed reasons why this would be the case.