

Report To: Health & Social Care Committee **Date:** 19th October 2017

Report By: Louise Long
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Partnership **Report No:** SW/44/2017/HW

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Subject: FREEDOM OF INFORMATION MONITORING REPORT
PERIOD – 1 JULY 2016 TO 30 JUNE 2017

1.0 PURPOSE

- 1.1 The purpose of this report is to inform the Health and Social Care Committee Members of service activity regarding Freedom of Information (FOI) requests.

Key Issues to be considered:-

- Number of requests responded to
- Performance against statutory timescales
- Themes and sources of FOI requests

2.0 SUMMARY

- 2.1 The Freedom of Information (Scotland) Act 2002 (FOISA) came into force on 1st January 2005. The Act provides a statutory right of access to information held by Scottish public bodies and requires us to respond appropriately to requests for information made under the terms of the Act. Responses should normally be completed and issued within 20 working days of receipt of the request. Information is available through the Council and NHS Board's Publication Schemes, located at www.inverclyde.gov.uk and www.nhsggc.org.uk. Requests for access to information can be made by anyone, whether resident in the UK or not, and can be made for information held prior to enactment of the Act. The right of access to information is subject to a number of exemptions within FOISA.
- 2.2 During the year from 1st July 2016 to 30th June 2017, we received 178 requests under the terms of the Act, and of these 167 (94%) were responded to within 20 working days.

3.0 RECOMMENDATION

- 3.1 Health and Social Care Committee members are asked to review our Freedom of Information Annual Report, and comment as required.

Louise Long
Corporate Director (Chief Officer)
Inverclyde Health & Social Care Partnership

4.0 BACKGROUND

4.1 The Freedom of Information (Scotland) Act 2002 (“the Act”) imposes a number of obligations on Scottish public authorities, including NHS Greater Glasgow and Clyde (NHSGG&C), Inverclyde Council, and Inverclyde HSCP. The Act gives a general right of access to recorded information held by public authorities, subject to certain exemptions. The Act also imposes additional responsibilities:-

(a) to produce a Publication Scheme which is subject to approval by the Scottish Information Commissioner. Publication schemes are high level, strategic documents in which a public authority makes binding commitments to make information available to the general public. Such schemes:-

- provide clear evidence to the public that an authority is meeting its obligations under the Act to be accessible, open and transparent;
- enable the public to see what information is already published, and to access it without having to make a formal request for information;
- give employees clear guidance about the information that they can and should give out to the public so they can respond to information requests efficiently;
- help reinforce leadership messages about openness and accountability to staff at all levels in the organisation;
- are to be easily accessible and designed to be easy to understand and to use by everyone (including those with no internet access).

(b) to respond to requests (which must be in writing or some other permanent form) made by anyone for information held by the authority within set timescales (normally 20 working days) regardless of when it was created, by whom, or the format in which it is now recorded.

(c) to advise an applicant if information is not held.

(d) to specify within the terms of exemptions set out in the Act if the authority refuses to release the requested information.

(e) to charge for the provision of information only in accordance with regulations made under the Act and to decline to provide information if the cost of doing so exceeds a specified level.

(f) to make applicants aware of their right to seek a review of any decision on a request for information and of the right to pursue an appeal to the Scottish Information Commissioner if dissatisfied with the decision of the authority.

4.2 Given that requests can come through the Health Board or the Council, there are two different processes in place. We have worked to streamline the system in that we receive FOIs through a central office and comply with the correct organisational procedure which in turn gives an overall picture of FOIs received. It is important to note that while there are slight variations in the detail of organisational processes, the legislation that covers all requests, regardless of route, is the same, as are the response timescale requirements.

5.0 REQUESTS RECEIVED

5.1 During the specified time-frame there were **178** FOI requests. Table 1 below outlines our performance in relation to timescales.

<i>Quarter</i>	<i>Total FOI Requests</i>	<i>Completed within Timeframe</i>	<i>Timeframe not met</i>
Jul - Sep 2016	32	31	1
Oct - Dec 2016	45	40	5
Jan - Mar 2017	61	58	3
Apr - Jun 2017	40	38	2
Total	178	167	11

Table 1 – Performance in respect of timescales

The above 178 requests were responded to during 2016/17. Of these 167 (94%) were responded to within the requirement of 20 working days. All of the requests have come through the Council FOI system. This does not include local Health FOI requests. Health requests are centrally co-ordinated at the Health Board, and generally relate to the whole Board area, rather than Inverclyde specifically.

5.2 Table 2 and Figure 1 provide a breakdown of the source of requests for information in respect of Freedom of Information. This shows the majority of requests come from individuals (25%), followed by requests from journalist/ media organisations (23%) and commercial organisations (22%).

Indicative Source of Request	July 2016 – June 2017	July 2015 – June 2016
Charity/Vol. Org	16	10
Commercial org	39	27
Education/research	5	3
Journalist/Media	41	33
Legal Org	2	3
Individuals	45	63
MSP/Scottish Parliament	27	25
Other Public Body	1	1
TU	2	1
Total	178	166

Table 2 – Source of requests

Fig 1 – the chart below shows indicative source of requests from July 2016 – June 2017 alongside comparator data from 2015/16

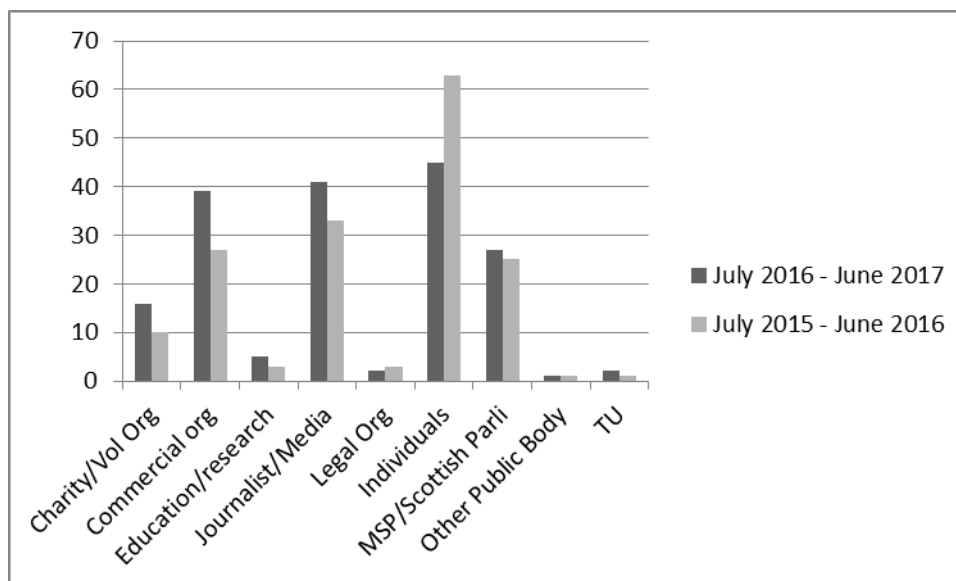


Figure 1 – Source of requests

- 5.3 The information shows a 7% increase in the number of FOIs received, going from 166 in 2015/16 to 178 in 2016/17. The increase is most notable in the number of requests received from commercial organisations (going from 27 in 2015/16 to 39 in 2016/17).

6.0 TYPE OF INFORMATION REQUESTED

- 6.1 A number of recurring themes were identified in the subject matter of requests for information. These are listed below together with a flavour of the detail of what was asked in relation to each key theme.

Themes	July 2016 - June 2017	July 2015 - June 2016
Finance	30	29
Social Work Staffing/ Performance Management	15	23
Adult Services/ Social Care	44	40
Learning Disability Services	5	9
Self-Directed Support	7	8
Children & Families	51	45
Occupational Therapy/ Independent Living	5	0
Travelling Community	1	2

Housing & Homelessness	15	26
Criminal Justice	6	5
Mental Health / Addictions	9	5
Corporate Policies	6	3
Welfare/ Financial Advice	4	5
Refugees	9	0

Table 3 – Themes of requests

Fig 2 – Themes are shown below between July 2016 – June 2017 along with comparator data from 2015/16, with detailed analysis showing an increase in FOI requests in respect of children and families and a reduction noted around housing and homelessness.

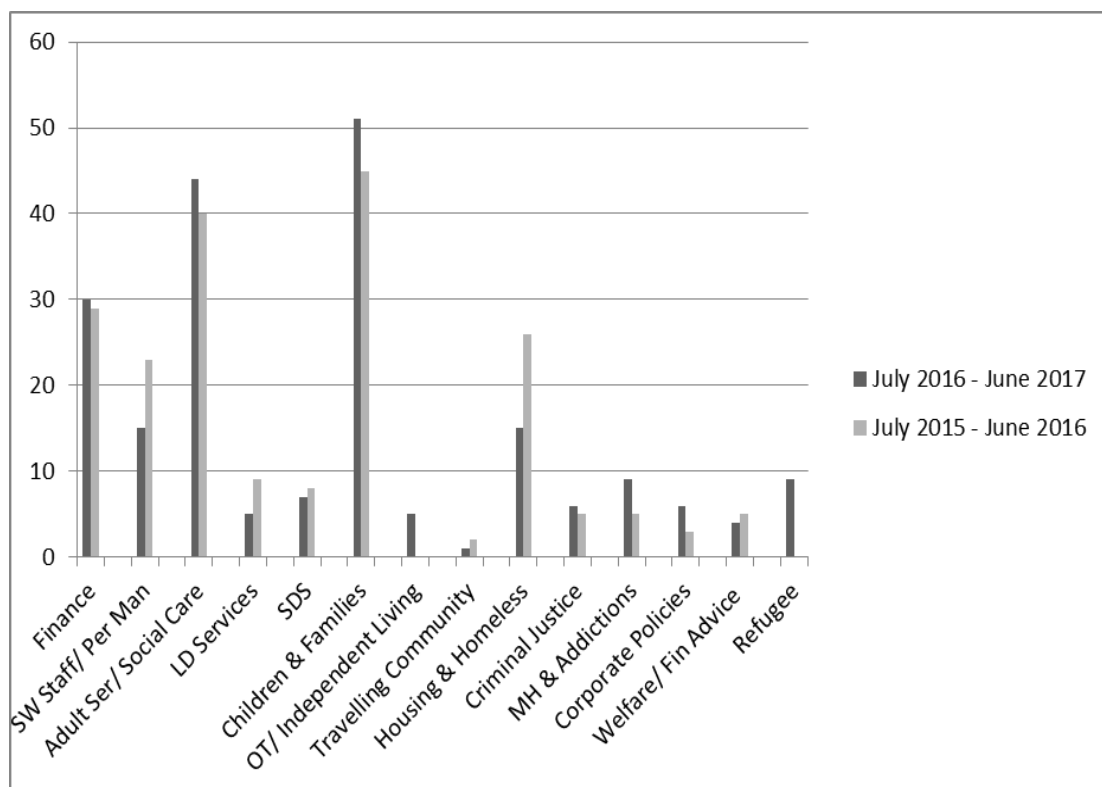


Figure 3 – Themes of requests

6.2 The biggest increases in relation to the themes are noted around information requests about children and families particularly Looked After and Accommodated Children. We will review the information on the Publication Scheme (<https://www.inverclyde.gov.uk/health-and-social-care/information-advice/freedom-of-information-scotland-act>) relating to these aspects to see if it can be improved, to reduce the need for future FOI requests and responses.

7.0 CONCLUSION

- 7.1 Whilst we embrace the spirit of the Act, it should be noted that there is significant demand on staff with 178 requests from July 2016 to June 2017. We have issued 8 exemption notices during this period, both in respect of time and financial limits as this would have involved an excessive amount of staffing resource including front line practitioner resource to gather and return the information. To date no applicant has requested information which has been deemed exempt due to staff time and resource, therefore no charge for information has been issued by Inverclyde HSCP.
- 7.2 The majority of requests to Inverclyde HSCP come from individuals, journalists and commercial organisations, which we seek to address by working with the corporate functions of the Council to further develop the Scheme of Publication to help interested members of the public, and to reduce the amount of time required to respond to requests.
- 7.3 Members are asked to note this updated report on the operation of the Freedom of Information (Scotland) Act 2002 within Inverclyde HSCP and give any comments or views on the format and/or content of the report or on any area with regard to the Act.

8.0 IMPLICATIONS

8.1 Finance

There are no financial implications in respect of this report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments

8.2 Legal

There are no legal issues within this report.

8.3 Human Resources

There are no human resources issues within this report.

8.4 Equalities

Has an Equality Impact Assessment been carried out?

Equality Impact Assessments have been carried out on the relevant plans that underpin the HSCP Strategic Plan.

	YES (see attached appendix)
X	NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or Strategy. Therefore, no Equality Impact Assessment is required.

8.5 Repopulation

There are no repopulation issues within this report.

9.0 CONSULTATION

9.1 This report has been prepared by the Chief Officer, Inverclyde Health and Social Care Partnership (HSCP) in collaboration with appropriate officers.

10.0 LIST OF BACKGROUND PAPERS

10.1 None.