

Report To: Community Health & Care
Partnership Sub Committee

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Subject: Inverclyde CHCP Freedom of Information Annual Report

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CHCP/38/2012/HW

Contact No: 01475 715369

1.0 PURPOSE

- 1.1 The purpose of this report is to inform members of the number of Freedom of Information requests from July 2011 to June 2012, and our performance with regard to response timescales.

2.0 SUMMARY

- 2.1 The Freedom of Information (Scotland) Act 2002 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.
- 2.2 During the year from 1st July 2011 to 30th June 2012, we received 128 requests under the terms of the Act, and of these 120 (94%) were responded to within 20 working days.

3.0 RECOMMENDATION

- 3.1 The Sub-Committee members are asked to review our first Freedom of Information Annual Report, and comment as required.

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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) and Inverclyde Council. 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 & 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 web 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 the CHCP is part of both Inverclyde Council and NHSGGC, 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 both parent organisations is the same, as are the response timescale requirements.

4.3 During the specified time-frame there were 128 FOI requests. The table below outlined our performance in relation to timescales.

Quarter	Total FOI Requests	Completed within Timeframe	Timeframe not met	Currently Open
July–Sept 2011	41	37	4	-
September–December 2011	23	23	0	-
January–March 2012	29	28	1	-
April–June 2012	35	32	2	1
Total	128	120 (94%)	7 (5.5%)	1

All of the above have come through the Council FOI system. There have been no local health FOI requests. Health requests have been centrally co-ordinated at the Health Board, and generally relate to the whole Board area, rather than Inverclyde specifically.

4.4 The systems that have been put in place are now fully bedded in and we aim to be able to demonstrate 100% timescales compliance at our next annual report.

5.0 PROPOSALS

5.1 It is proposed that the CHCP be required to produce an annual report highlighting Freedom of Information requests activity and out performance in relation to the statutory timescales.

6.0 IMPLICATIONS

6.1 Legal: None

6.2 Finance: None

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

6.3 Personnel: None

6.4 Equalities: None

7.0 CONSULTATION

7.1 None required

8.0 LIST OF BACKGROUND PAPERS

8.1 Freedom of Information (Scotland) Act 2002

<http://www.legislation.gov.uk/asp/2002/13/contents>