

Report To: Community Health & Care
Partnership Sub Committee

Date: 29th August 2013

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Report No:
CHCP/48/2013/HW

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Subject: Inverclyde CHCP Freedom of Information Annual Report

1.0 PURPOSE

- 1.1 The purpose of this report is to inform Sub-Committee Members of the number, themes and sources of Freedom of Information requests from July 2012 to June 2013, and our performance with regard to response timescales.

2.0 SUMMARY

- 2.1 The Freedom of Information (Scotland) Act 2002 (FOISA) came into force on 1 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 2012 to 1st June 2013, we received 120 requests under the terms of the Act, and of these 118 (98%) were responded to within 20 working days.

3.0 RECOMMENDATION

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

Brian Moore
Corporate Director
Inverclyde Community Health & 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) 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 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 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 Fol requests through a central office and comply with the correct organisational procedure which in turn gives an overall picture of Fol requests 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.

5.0 REQUESTS RECEIVED

5.1 During the specified time-frame there were 120 FoI requests. Table 1 below outlines our performance in relation to timescales.

Quarter	Total FOI Requests	Completed within Timeframe	Timeframe not met	Currently Open
July–Sept 2012	28	27	1	-
October–December 2012	37	36	1	-
January–March 2013	32	32	-	-
April–June 2013	31	23	-	8
Total	120	118	2	8

Table 1 – Performance in respect of timescales

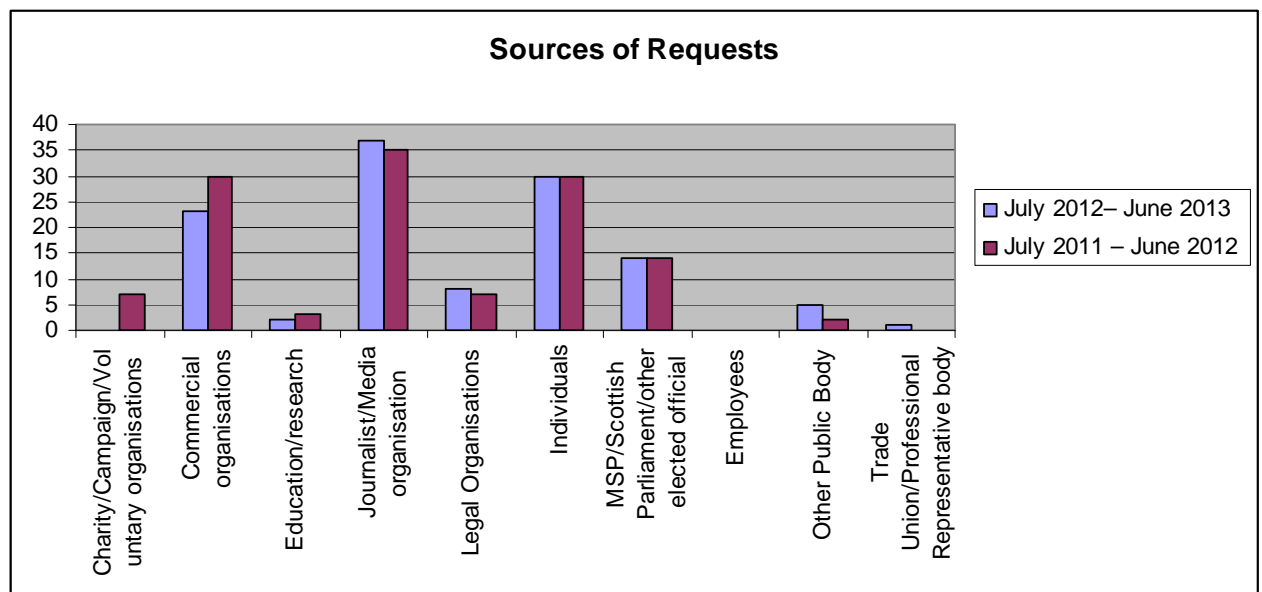
All of the above have come through the Council FoI system. There have been no local health FoI requests. Health requests have been centrally co-ordinated at the Health Board, and generally relate to the whole Board area, rather than Inverclyde specifically. In the two instances where timescales were not met, this was due to requests being sent to officers who were on annual leave. The process has since been updated to ensure that if the appropriate officer is not available, the request is forwarded on to a depute for action.

5.2 A breakdown of the source of requests for information that is shown in Table 2 and in Figure 2. From the information collated to date the majority have come from journalists/ media organisations followed by commercial organisations.
Source of Requests:

Indicative source of request	July 2012– June 2013 number
Charity/Campaign/Voluntary organisations	-
Commercial organisations	23 (19%)
Education/research	2 (1%)
Journalist/Media organisation	37 (31%)
Legal Organisations	8 (7%)
Individuals	30 (25%)
MSP/Scottish Parliament/other elected official	14 (12%)
Employees	-
Other Public Body	5 (4%)
Trade Union/Professional Representative body	1 (1%)

Table 2 – Source of requests

Fig 2 – the chart below shows indicative source of requests from July 2012 – June 2013 alongside comparator data from 2011/12



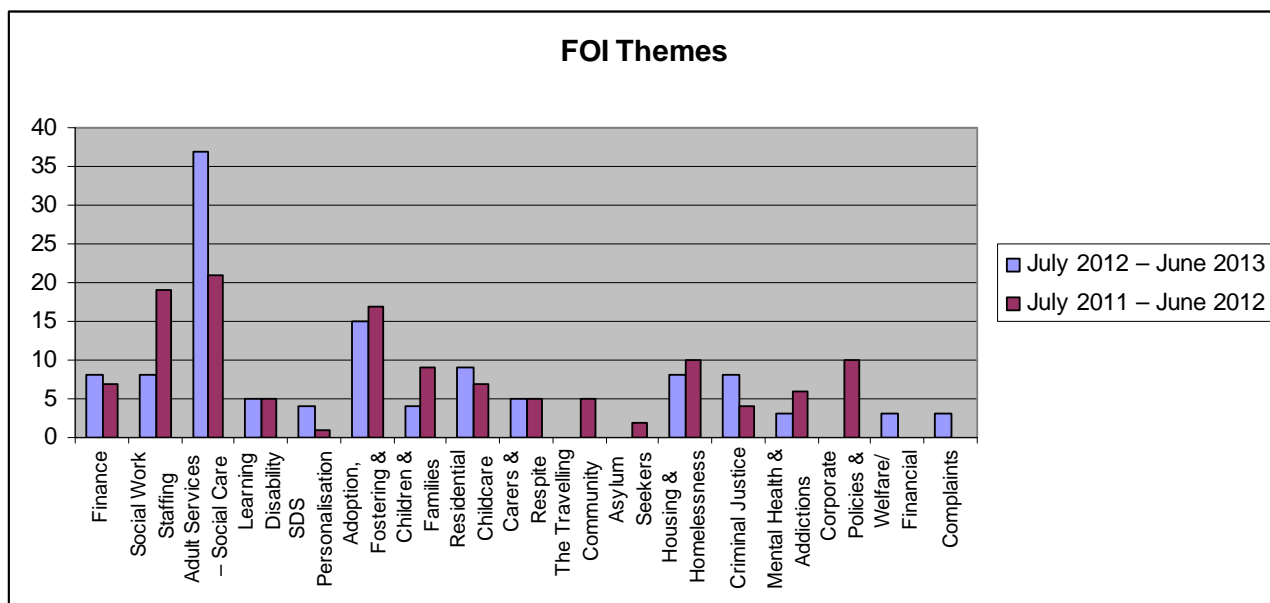
6.0 TYPE OF INFORMATION REQUESTED

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 2012 – June 2013 <i>number</i>
Finance	8
Social Work Staffing	8
Adult Services – <i>Social Care Fees/ Care Home Info.</i>	37
Learning Disability Services	5
SDS Personalisation	4
Adoption, Fostering & Kinship Care	15
Children & Families	4
Residential Childcare	9
Carers & Respite Services	5
The Travelling Community	-
Asylum Seekers	-
Housing & Homelessness	8
Criminal Justice	8
Mental Health & Addictions	3
Corporate Policies & Reports	-
Welfare/ Financial Advice Service	3
Complaints	3

Table 3 – Themes of requests

Fig 3 – Themes are shown below between July 2012 – June 2013 with comparator data 2011/12, detailed analysis show an increase in FOI requests around Adult Services – *Social Care Fees/ Care Home Info*



7.0 CONCLUSION

Whilst we embrace the spirit of the Act, it should be noted that there is significant demand on staff with 120 requests from July 2012 to June 2013. We have issued 7 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.

The majority of requests have come from journalists and we seek to address this 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.

Members are asked to note this updated report on the operation of the Freedom of Information (Scotland) Act 2002 within Inverclyde Council and NMSGC and give any comments or view on the format of the report or on any area with regard to the Act.

8.0 IMPLICATIONS

8.1 Legal:

None at the time of this report

8.2 Finance:

There are no additional financial implications in respect of this report as associated costs will be contained within existing budgets.

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

8.3 Personnel: None at the time of this report.

8.4 Equalities: None at this time, although recognition will be given to the wider and associate equalities agenda.

8.5 Repopulation: None at the time of this report.

9.0 CONSULTATION

9.1 None.

10.0 LIST OF BACKGROUND PAPERS

Freedom of Information (Scotland) Act 2002

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