

Report To: Community Health & Care Partnership Sub Committee **Date:** 28th August 2014

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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 2013 to June 2014, 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 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 2013 to 30th June 2014, we received **153** requests under the terms of the Act, and of these **144 (97%)** were responded to within 20 working days (currently 5 still open and within timeframe).

3.0 RECOMMENDATION

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

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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 & 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 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.

5.0 REQUESTS RECEIVED

5.1 During the specified time-frame there were **153** 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 2013	35	32	3	-
October–December 2013	33	32	1	-
January–March 2014	42	42	0	-
April–June 2014	43	38	0	5
Total	153	144	4	5

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.

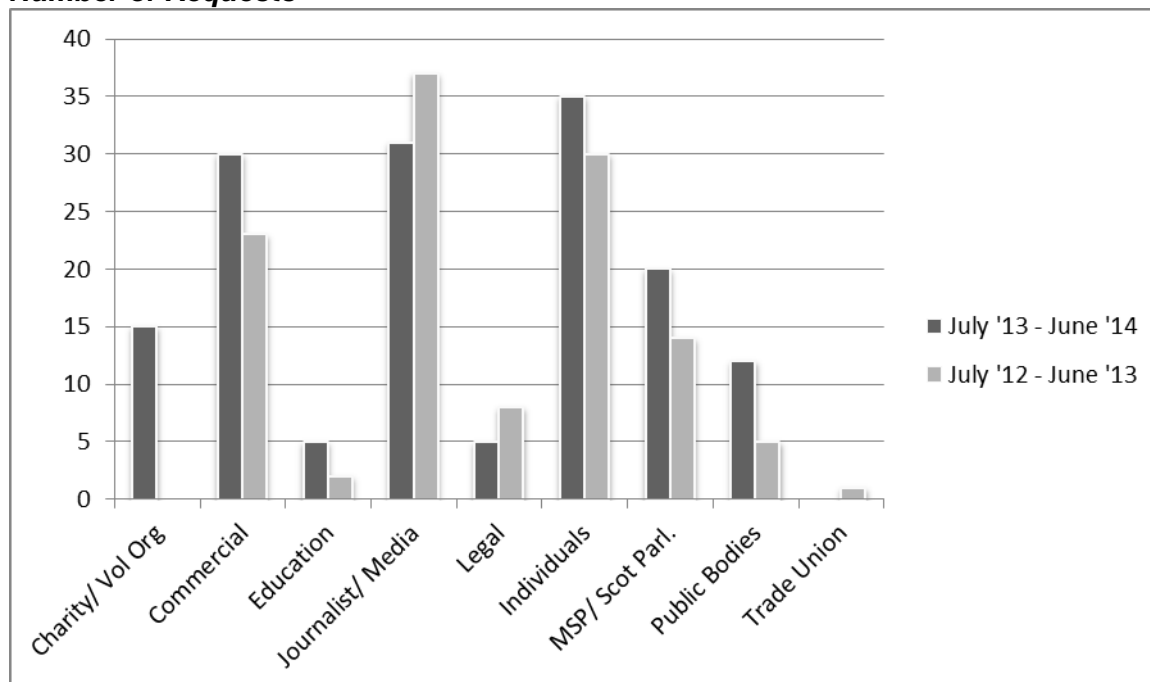
5.2 Table 2 and Figure 1 provide a breakdown of the source of requests for information in respect of Freedom of Information. This shows the majority of requests come from commercial and journalist/ media organisations (40%), followed by requests from individuals (23%).

Indicative source of request	July 2013– June 2014 number	July 2012– June 2013 number
Charity/Campaign/Voluntary organisations	15 (10%)	-
Commercial organisations	30 (20%)	23 (19%)
Education/research	5 (3%)	2 (1%)
Journalist/Media organisation	31 (20%)	37 (31%)
Legal Organisations	5 (3%)	8 (7%)
Individuals	35 (23%)	30 (25%)
MSP/Scottish Parliament/other elected official	20 (13%)	14 (12%)
Employees	0 (0%)	-
Other Public Body	12 (8%)	5 (4%)
Trade Union/Professional Representative body	0 (0%)	1 (1%)
Total	153	120

Table 2 – Source of requests

Fig 1 – the chart below shows indicative source of requests from July 2013 – June 2014 alongside comparator data from 2012/13.

Number of Requests



5.3 The information shows a 27.5% increase in the number of FOIs received, going from 120 in 2012/13 to 153 in 2013/14. The increase in number has come from third and commercial sector requests, but there have also been increases in the number of requests from individuals, politicians and other public bodies.

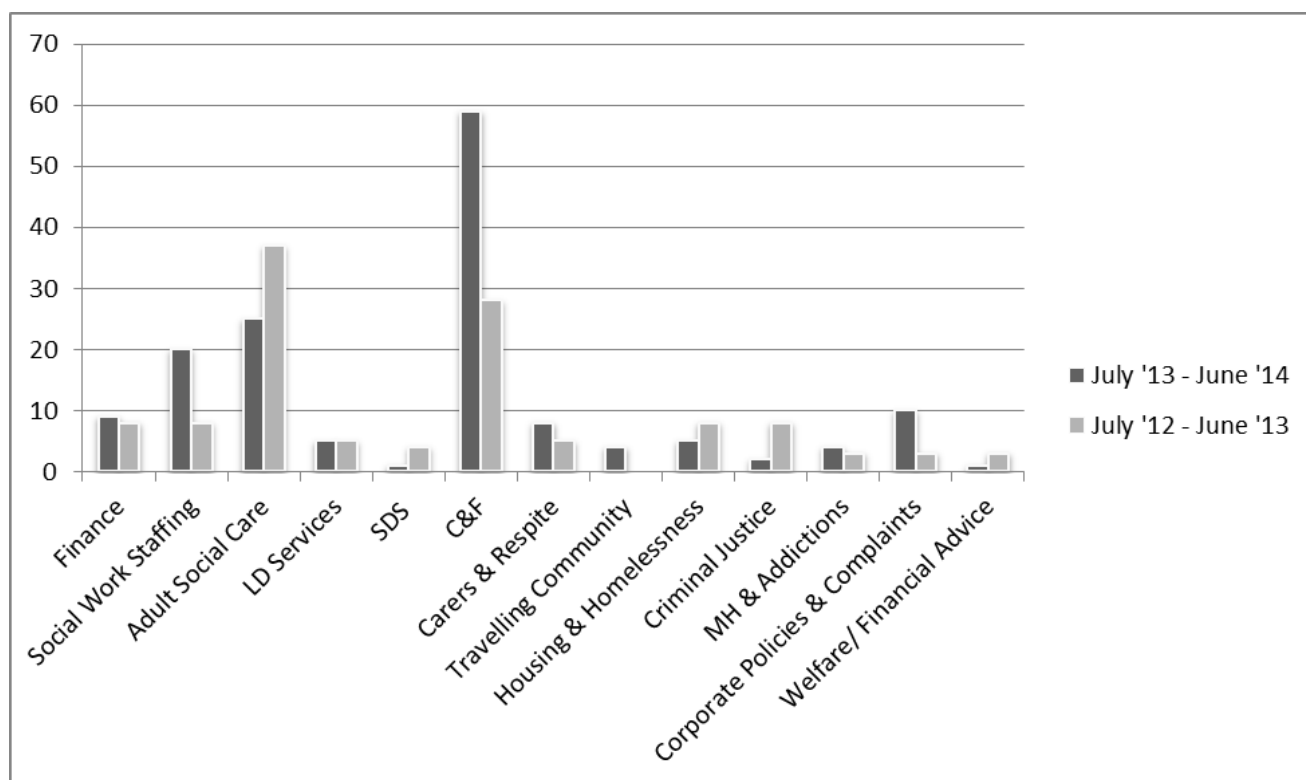
6.0 TYPE OF INFORMATION REQUESTED

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 2013 – June 2014 number	July 2012 – June 2013 number
Finance	9	8
Social Work Staffing	20	8
Older People – <i>Social Care Fees/ Care Homes.</i>	25	37
Learning Disability Services	5	5
SDS Personalisation	1	4
Children & Families	59	28
Carers & Respite Services	8	5
The Travelling Community	4	-
Housing & Homelessness	5	8
Criminal Justice	2	8
Mental Health & Addictions	4	3
Corporate Policies & Reports/ Complaints	10	3
Welfare/ Financial Advice Service	1	3
Total	153	120

Table 3 – Themes of requests

Fig 2 – Themes are shown below between July 2013 – June 2014 along with comparator data from 2012/13, with detailed analysis showing an increase in FOI requests around Children and Families Services, with a reduction noted in respect of Older People’s Services (Adult Social Care).



6.2 The biggest increases in relation to the themes are noted around information requests about Social Work staffing, Children and Families provision and corporate policies and reports/complaints. We will review the information on the Publication Scheme 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 153 requests from July 2013 to June 2014. We have issued 11 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 CHCP.

7.2 The majority of requests to Inverclyde CHCP come from individuals, journalists and the commercial media, 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 The Council is in the process of developing a FOI Steering Group which will:-

- Oversee the implementation of local guidance based on the Scottish Ministers’ Code of Practice on the discharge of functions by public authorities under the Freedom of Information (Scotland) Act 2002.
- Review current arrangements and make suggestions for better working and streamlining processes and consistency across the Council.
- Provide a forum for all staff with an FOI remit to come together to share knowledge and expertise.
- Discuss the volume and types of requests received by the Council, and amend the publication scheme as indicated.

- Monitor significant changes in access legislation and update each other on developments in the law.
- Make recommendations relating to the legislation when necessary and/or appropriate.
- Discuss performance of FOIs.
- Report to the Information Governance Steering Group on progress.

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

8.0 IMPLICATIONS

Finance

8.1 Financial Implications:

One off Costs

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

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments
N/A					

Legal

8.2 None at the time of this report

Human Resources

8.3 None at the time of this report.

Equalities

8.4 Has an Equality Impact Assessment been carried out?

√	YES EQIA assessment was conducted successfully on the Strategy and Action Plan.
	NO -

Repopulation

8.5 None at the time of this report.

9.0 CONSULTATION

9.1 None.

10.0 LIST OF BACKGROUND PAPERS

10.1 Freedom of Information (Scotland) Act 2002

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