
Report To: Inverclyde Integration Joint Board **Date:** 26th January 2016

Report By: Brian Moore
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Inverclyde Health and Social Care
Partnership (HSCP) **Report No:** IJB/08/2016/HW

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Subject: FREEDOM OF INFORMATION ANNUAL REPORT

1.0 PURPOSE

- 1.1 The purpose of this report is to inform Integration Joint Board Members of the number, themes and sources of Freedom of Information requests from October 2014 to November 2015, 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 October 2014 to 30th November 2015, we received 200 requests under the terms of the Act, and of these 195 (98%) were responded to within 20 working days.

3.0 RECOMMENDATIONS

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

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(Chief Officer)
Inverclyde HSCP

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 HSCP is part of both Inverclyde Council and NHSGG&C, 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 200 FOI requests. Table 1 below outlines our performance in relation to timescales.

Quarter	Total FOI Requests	Completed within Timeframe	Timeframe not met
Oct - Dec 2014	41	41 (100%)	0
Jan - Mar 2015	40	39 (98%)	1
Apr - Jun 2015	46	45 (98%)	1
Jul – Sep 2015	40	38 (95%)	2
Oct – Nov 2015	33	21*	1

Table 1 – Performance in respect of timescales

*7 requests currently within timeframe for response.

All of the above have come through the Council FOI system. 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 came from individuals (28%), followed by requests from journalists and media organisations (22%).

Indicative source of request	October 2013 – November 2014	October 2014 – November 2015
Charity/Campaign/Voluntary organisations	15 (10%)	25 (13%)
Commercial organisations	30 (20%)	37 (19%)
Education/research	5 (3%)	10 (5%)
Journalist/Media organisation	31 (20%)	43 (22%)
Legal Organisations	5 (3%)	4 (2%)
Individuals	35 (23%)	56 (28%)
MSP/Scottish Parliament/other elected official	20 (13%)	24 (12%)
Other Public Body	12 (8%)	0 (0%)
Trade Union/Professional Representative body	0 (0%)	1 (<1%)
Total	153	200

Table 2 – Source of requests

Figure 1 – the chart below shows indicative source of requests from 2014 – 2015 alongside comparator data from 2013/14.

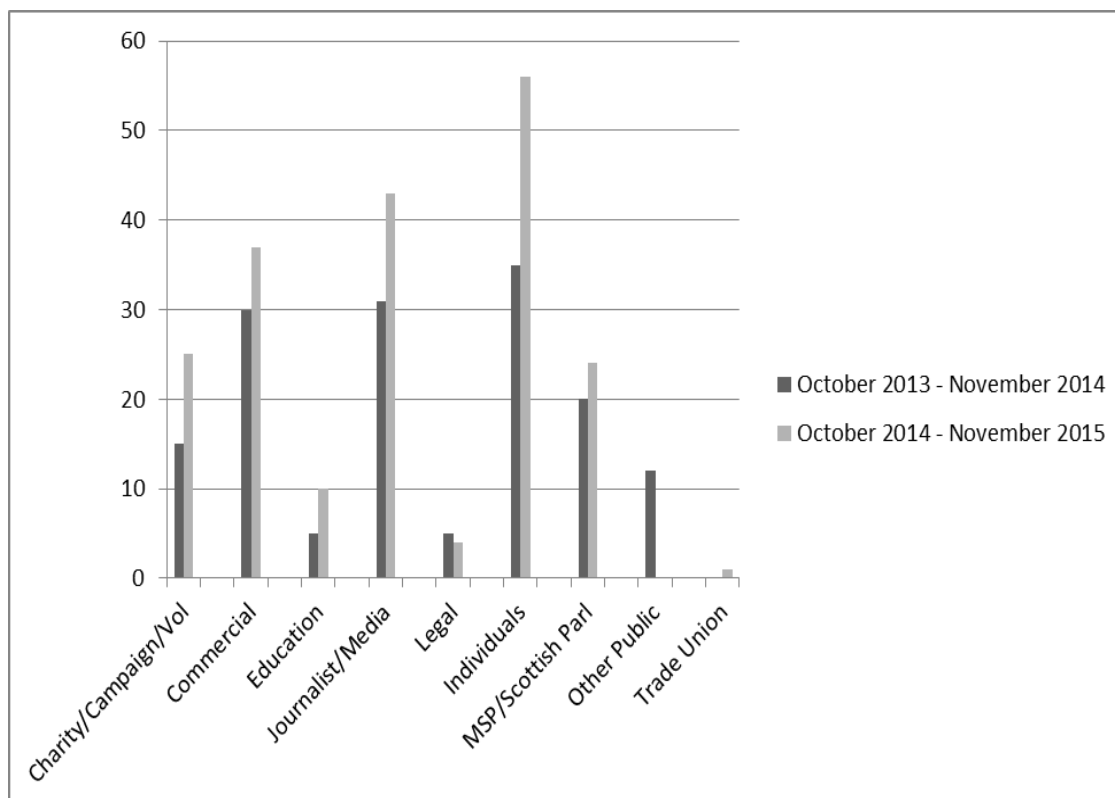


Figure 1 – Source of requests

5.3 The information shows a 24% increase in the number of FOIs received, going from 153 in 2013/14 to 200 in 2014/15. The increase is most notable in the amount of requests received from individuals, going from 35 in 2013/14 to 56 in 2014/15 which is an increase of 38%.

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	October 2013– November 2014	October 2014 – November 2015
Finance	9 (5%)	17 (9%)
Social Work Staffing	20 (13%)	16 (8%)
Adult Services – Social Care Fees/ Care Home Info.	25 (16%)	49 (24%)
Learning Disability Services	5 (3%)	4 (2%)
SDS Personalisation	1 (1%)	13 (6%)

Children & Families	59 (39%)	54 (27%)
Occupational Therapy	8 (5%)	2 (1%)
The Travelling Community	4 (3%)	2 (1%)
Housing & Homelessness	5 (3%)	11 (5%)
Criminal Justice	2 (1%)	6 (3%)
Mental Health & Addictions	4 (3%)	9 (5%)
Corporate Policies & Reports/ Complaints	10 (7%)	17 (9%)
Welfare/ Financial Advice Service	1 (1%)	0
Total	153	200

Table 3 – Themes of requests

Fig 2 – Themes are shown below between October 2014 – November 2015 along with comparator data from 2013/14, with detailed analysis showing an increase in FOI requests around Adult Services, with a reduction noted in respect of Children and Families.

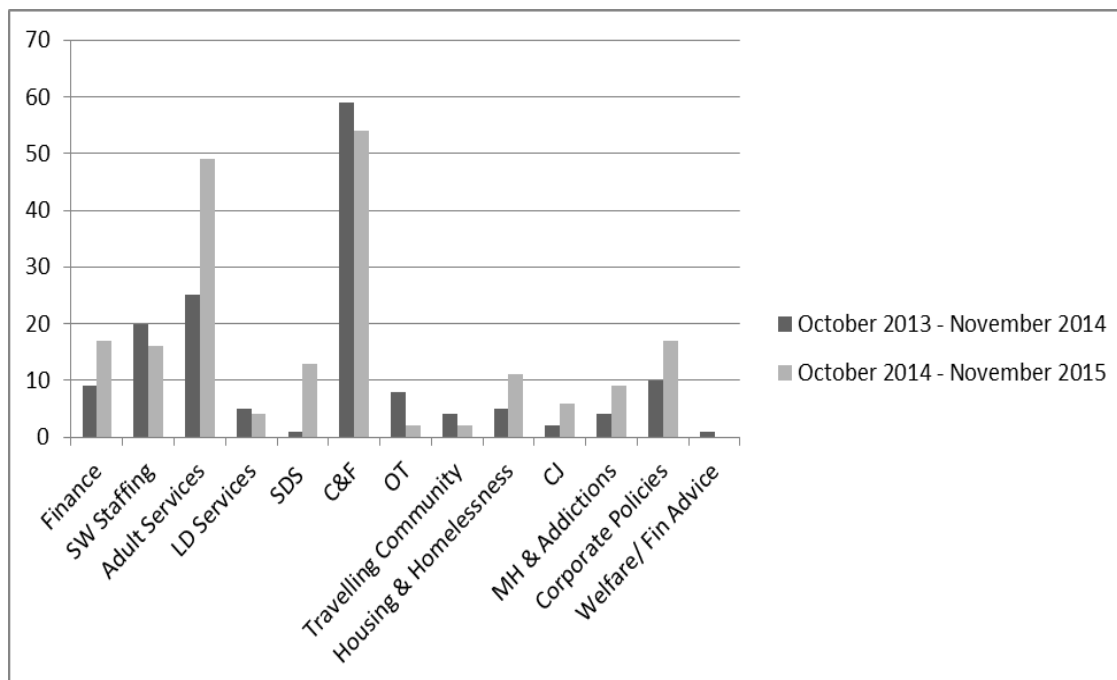


Figure 3 – Themes of requests

6.2 The biggest increases in relation to the themes are noted around information requests about Adult Services, SDS provision, Criminal Justice and Housing and Homelessness. 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 200 requests from October 2014 to November 2015. We have issued 16 exemption notices during this period, these being 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 Publication Scheme to help interested members of the public, and to reduce the amount of time required to respond to requests.
- 7.3 The Council has developed a Freedom of Information Working 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, in line with the commitments of the Council's Records Management Plan.
 - Provide a forum for all staff with 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 HSCP and give any comments or views 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

Annually Recurring Costs/ (Savings)

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

LEGAL

8.2 There are no legal issues within this report.

HUMAN RESOURCES

8.3 There are no human resources issues within this report.

EQUALITIES

8.4 There are no equality issues within this report.

Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
	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.

9.0 CONSULTATION

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

10.0 BACKGROUND PAPERS

10.1 None.