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| Report To: | Inverclyde Integration Joint Board | Date: | 18th August 2016 |
| Report By: | Brian Moore Corporate Director, (Chief Officer) Inverclyde Health and Social Care Partnership (HSCP) | Report No: | IJB/38/2016/HW |
| Contact Officer: | Helen Watson Head of Service Planning, Health Improvement & Commissioning | Contact No: | 715285 |
| Subject: | FREEDOM OF INFORMATION | | |

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 July 2015 to June 2016, 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 2015 to 30th June 2016, we received **166** requests under the terms of the Act, and of these **148 (94%)** were responded to within 20 working days. There are currently 8 still outstanding, within the 20 day timescale for response. There were 10 completed outwith the 20 working days.

We seek to respond to all requests within 20 working days however there are times when the 20 working day turnaround presents challenges where there are complex cases.

3.0 RECOMMENDATIONS

- 3.1 The Integration Joint Board is asked to note the Annual Report on the operation of the Freedom of Information (Scotland) Act 2002 in Inverclyde Health and Social Care Partnership in period 1 July 2015 to 30 June 2016

Brian Moore
Corporate Director (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 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 **166** FOI requests. Table 1 below outlines

our performance in relation to timescales.

| Quarter | Total FOI Requests | Completed within Timeframe | Timeframe not met |
|----------------|---------------------------|-----------------------------------|--------------------------|
| Jul - Sep 2015 | 38 | 34 | 4 |
| Oct - Dec 2015 | 39 | 35 | 4 |
| Jan - Mar 2016 | 61 | 59 | 2 |
| Apr - Jun 2016 | 28 | 20* | 0 |
| Total | 166 | 148 | 10 |

Table 1 – Performance in respect of timescales

* 8 Requests currently active

All of the above 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 (38%), followed by requests from journalist/ media organisations (20%).

| Indicative source of request | July 2015 – June 2016 | July 2014 - June 2015 |
|--|------------------------------|------------------------------|
| Charity/Campaign/Voluntary organisations | 10 (6%) | 12 (7%) |
| Commercial organisations | 27 (16%) | 35 (21%) |
| Education/research | 3 (2%) | 7 (4%) |
| Journalist/Media organisation | 33 (20%) | 33 (19%) |
| Legal Organisations | 3 (2%) | 5 (3%) |
| Individuals | 63 (38%) | 58 (34%) |
| MSP/Scottish Parliament/other elected official | 25 (15%) | 18 (11%) |
| Other Public Body | 1 (0.5%) | 0 (0%) |
| Trade Union/Professional Representative body | 1 (0.5%) | 2 (1%) |
| Total | 166 | 170 |

Table 2 – Source of requests

Fig 1 – the chart below shows indicative source of requests from July 2015 – June 2016 alongside comparator data from 2014/15

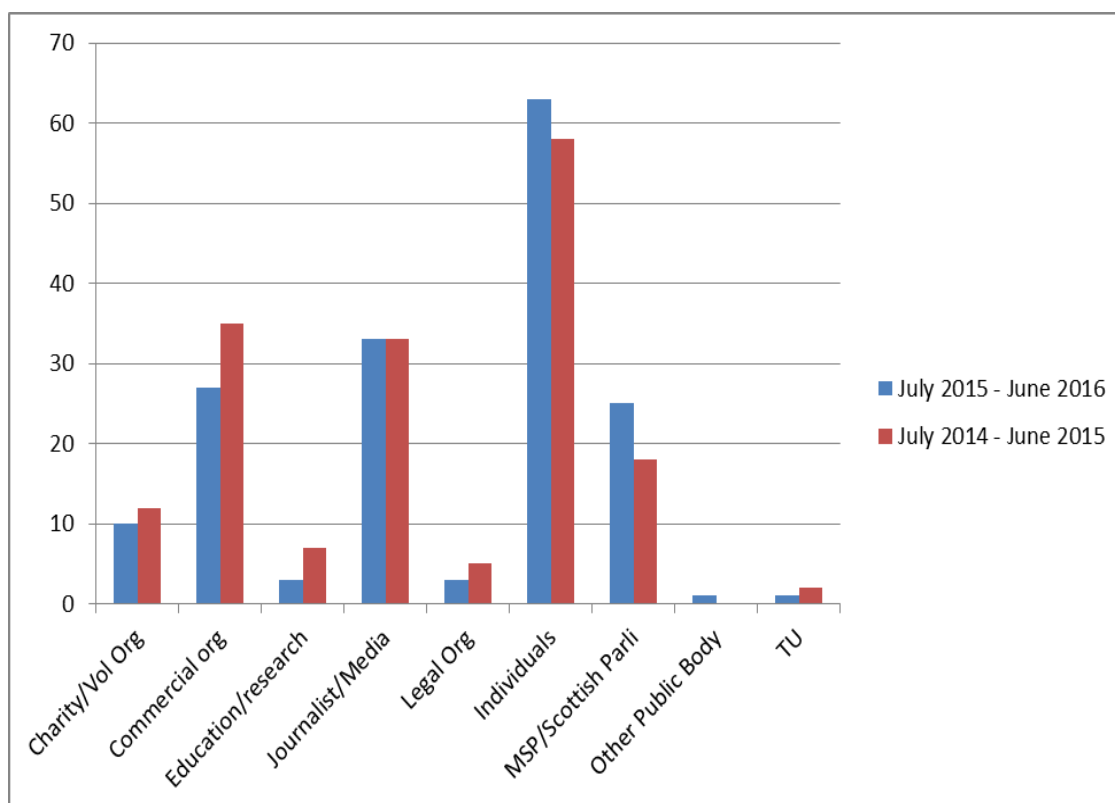


Figure 1 – Source of requests

5.3 The information shows a slight decrease in the number of FOIs received since 14/15. Going from 170 in 2014/15 to 166 in 2015/16. The decrease is most notable in the amount of requests received from Charity and Voluntary Organisations and Commercial Organisations, however there is an increase in requests from Individuals and MSP/Scottish Parliament.

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 2015 - June 2016 | July 2014 - June 2015 |
|--|-----------------------|-----------------------|
| Finance | 29 | 12 |
| Social Work Staffing | 23 | 21 |
| Adult Services – Social Care Fees/ Care Home Info. | 40 | 42 |
| Learning Disability Services | 9 | 5 |
| SDS Personalisation | 8 | 12 |
| Children & Families | 45 | 47 |

| | | |
|---|----|----|
| Carers & Respite Services | 0 | 2 |
| The Travelling Community | 2 | 2 |
| Housing & Homelessness | 26 | 6 |
| Criminal Justice | 5 | 8 |
| Mental Health & Addictions | 5 | 8 |
| Corporate Policies & Reports/ Complaints | 3 | 12 |
| Welfare/ Financial Advice Service | 5 | 3 |

Table 3 – Themes of requests

Fig 2 – Themes are shown below between July 2015– June 2016 along with comparator data from 2014/15, with detailed analysis showing an increase in FOI requests around finance and housing and homelessness, with a slight reduction noted in respect of children and families and adult social care.

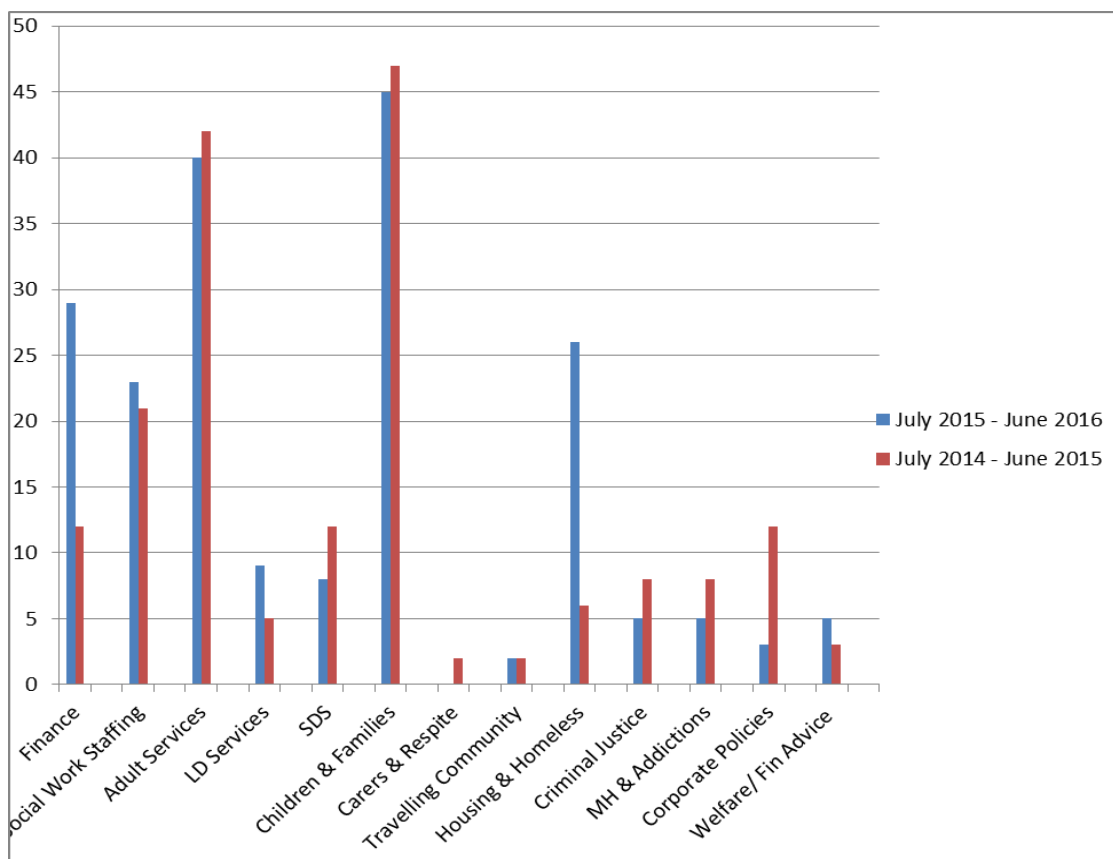


Figure 3 – Themes of requests

6.2 The biggest increases in relation to the themes are noted around information requests about housing and homelessness, finance and learning disability services. 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 166 requests from July 2015 to June 2016. 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 responded to the 11 exemption notices, therefore no charge for information has been issued by Inverclyde HSCP.
- 7.2 The majority of requests to Inverclyde HSCP came 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 The Council has developed a Freedom of Information Working Group, which:-
- Oversees 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.
 - Reviews current arrangements and makes suggestions for better working and streamlining processes and consistency across the Council.
 - Provides a forum for all staff with FOI remit to come together to share knowledge and expertise.
 - Discusses the volume and types of requests received by the council, and amends the publication scheme as indicated.
 - Monitors significant changes in access legislation and updates group members on developments in the law.
 - Makes recommendations relating to the legislation when necessary and/or appropriate.
 - Discusses performance of FOIs.
 - Reports 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) |
| 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. |

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.