

NHS Rotherham Clinical Commissioning Group

Operational Executive – 10 May 2019

Audit Quality & Assurance Committee – 2 July 2019

Clinical Commissioning Group Governing Body - 3 July 2019

Freedom of Information Report

Lead Executive:	Chris Edwards – Chief Officer
Lead Officer:	Ruth Nutbrown - Assistant Chief Officer, Sue Hart – Complaints and Governance Officer.
Lead GP:	Dr Jason Page – Lead GP for Governance.

Purpose:
To inform Governing Body Members of the current position on processing Freedom of Information (FOI) requests.
Background:
The activity is reported to the Audit, Quality & Assurance Committee (AQuA) every other month and Governing Body quarterly via a Corporate Assurance Report. The reports have shown a decline in meeting the timeframes stipulated in the FOI Act 2000; therefore, the Lay Member for Governance has requested an in-depth report on the decline.
Analysis of key issues and of risks
Section 3 of the report Analysis table1 shown on page 3 – Acknowledgements Activity tables 2, 3 and 4 shown on pages 4 and 5 – numbers of requests received and the number of days taken to provide a response.
Section 4 page 5 of the report – failure to comply i.e. breach of section 10(1) of the FOI Act.
Section 6 page 5 Recommendations.
Patient, Public and Stakeholder Involvement:
Not applicable.
Equality Impact:
Not applicable.
Financial Implications:
None.
Human Resource Implications:
TBC.
Procurement Advice:
None.

Data Protection Impact Assessment:
None.
Approval history:
None
Recommendations:
That members note the report and the recommendations to prevent breaches taking place in future.
Paper is for Noting / Discussion / Advice / Support

FREEDOM OF INFORMATION

NHS ROTHERHAM CCG

May 2019

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Appendix 1: Procedures Flow Chart

1. Introduction

This report has been produced to inform members of the position in relation to the processing of requests received under the Freedom of Information Act 2000.

2. Background

Under the terms of the Freedom of Information (FOI) Act 2000 requests for information should be formally acknowledged within 2 working days with responses being provided within 20 working days.

The activity is reported to the Audit, Quality & Assurance Committee (AQuA) bi-monthly and Governing Body quarterly via a Corporate Assurance Report. The reports have shown a decline in meeting the timeframes stipulated in the FOI Act 2000; therefore, the Lay Member for Governance has requested an in-depth report on the decline.

Attached at appendix 1 is the current flowchart to following upon receipt of a FOI request.

3. Activity

The average number of FOI requests received per year is 268 and the top 7 topics relate to:

CAMHS	Contracting	Corporate Business	Continuing Healthcare
Finance	Medicines Management	Mental Health Services	

3.1 Acknowledgments

Table 1 shows year on year the performance in meeting the acknowledgment timeframe of 2 working days:

3.1.1 Table 1

Year	Number of requests received during the year	Acknowledged within 2 working days
2016/17	263	100% in all quarters
2017/18	290	Qtr 1 = 66 (100%) Qtr 2 = 76 (93.4%) Qtr 3 = 63 (100%) Qtr 4 = 67 (100%)
2018/19	253	Qtr 1 = 66 (82%) Qtr 2 = 91 (96.7%) Qtr 3 = 49 (77.5%) Qtr 4 = 39 (95%)

During quarters 1, 3 and 4 of 2017-18 no breaches in acknowledging receipt of requests took place. However during quarter 2 of 2017/18 and all the quarters reported in 2018/19 a decline to 3 working days is evident. Analysis of these periods does not provide a conclusive reason for the decline. However, analysis of staff working/absence pattern suggests that this has had a noteworthy effect on the continuity of the FOI handling function. While cover is provided for staff absence 100% cover is unavailable.

3.2 Responses within 20 working days

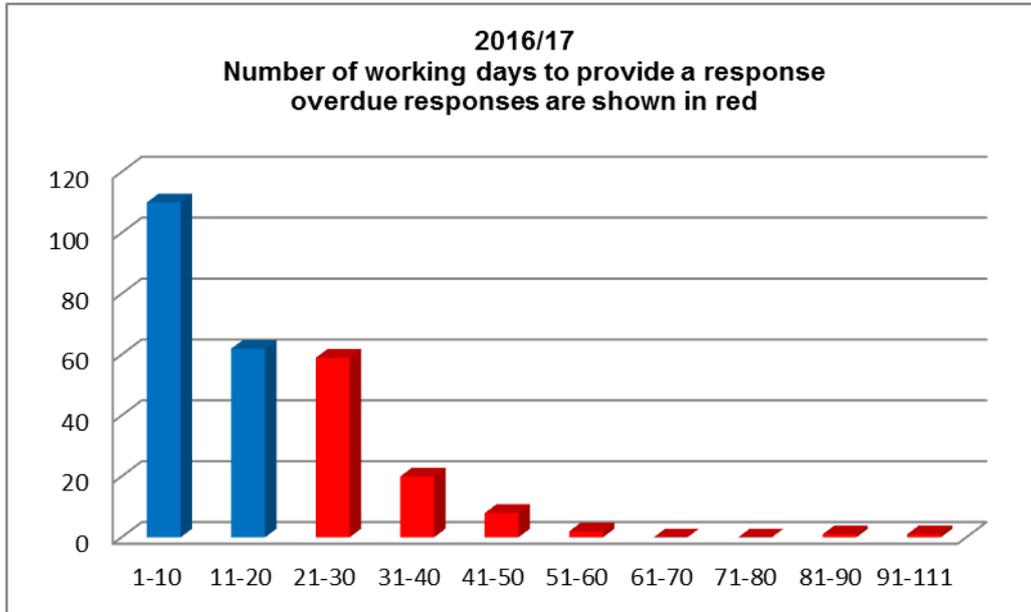
In order to comply with a request from OE that all FOI responses are approved by the relevant OE member prior to being mailed out, 7 OE approved responses have been returned at the final sign-off

stage due to queries being made by the Assistant Chief Officer regarding the information provided in the response letter. This led to these 7 responses being outside of the timeframe but it is likely to account for other responses (but not all) being outside of the timeframe. As this type of information has not been previously recorded comparison data is not available.

3.3 Number of requests in 2016/17

Table 2 shows that 263 requests for information were received. 172 (65%) were responded to within the timeframe. The table below shows the breakdown in days

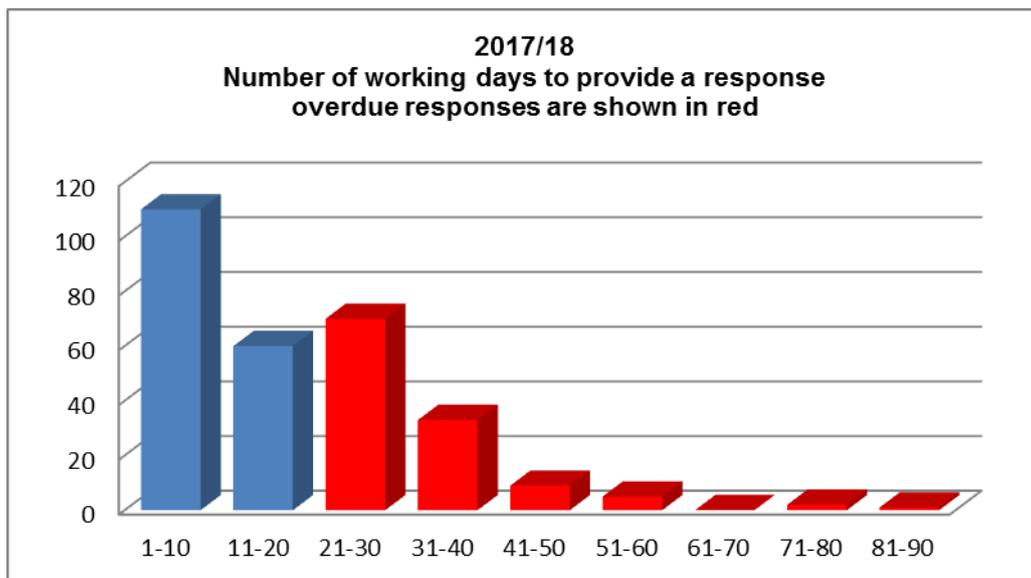
3.3.1 Table 2



3.4 Number of requests in 2017/18

Table 3 shows that 290 requests for information were received. 170 (59%) met the response timeframe. The table below shows the breakdown in days

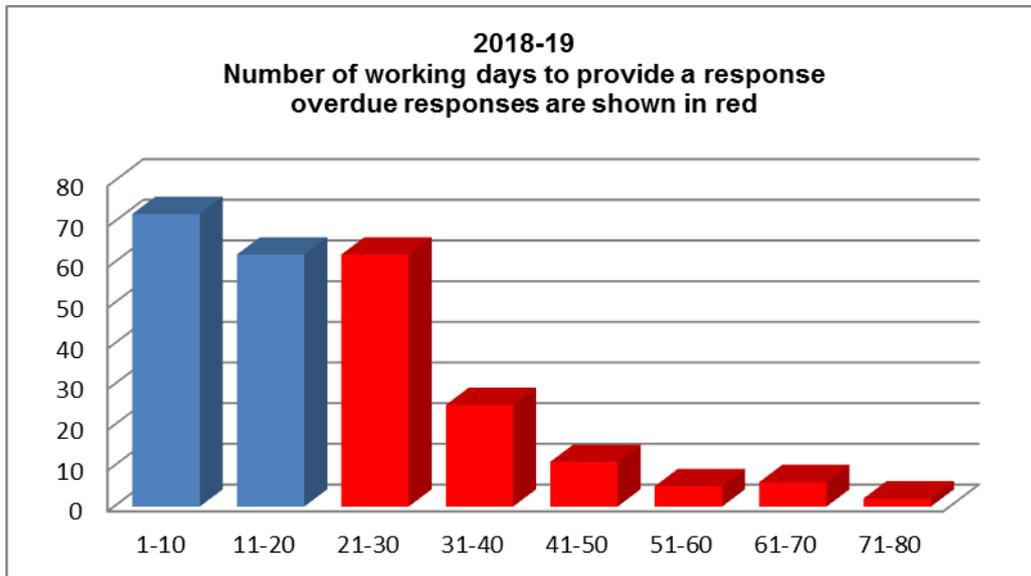
3.4.1 Table 3



3.5 Number of requests in 2018/19

Table 4 shows that 245 requests for information were received. 134 (55%) met the response timeframe. The table below shows the breakdown in days.

3.5.1 Table 4



4. Failure to comply promptly - breach of section 10(1) failing to respond within 20 working days

What the Commissioner can do if a complaint is upheld?

If the Commissioner finds that the authority has failed to comply with the FOI Act 2000 i.e. refusal to disclose information, if the complaint is upheld the Commissioner's office will issue a notice requiring it to disclose the information or do whatever else is necessary to comply with the Act. An authority which fails to comply with the Commissioner's notice could be brought before a court and treated as if it was in contempt of court. In theory this could lead to a fine or even imprisonment.

5. Conclusion

This review has concluded that the length of time it is taking for the information to be made available to the FOI officer, accounts for the majority of overdue responses. However, these responses have not been systematically chased to ensure the deadline is met.

While a business continuity plan is in place for staff assigned to cover this work during absence, it should be acknowledged that those staff are already fully occupied in their own roles.

6. Recommendations

1. That all FOI requests are acknowledged within the timeframe – exceptions with reasons will be reported to AQuA as part of the CAR.
2. That all FOI requests are systematically chased to ensure the responses hit the timeframes required. All executives will be notified 2 days before an FOI request in their area goes out of time.
3. Any FOI responses that are out of time will be reported to AQuA as part of the CAR.

Maximum 20 Working Days

