

Agenda Item:

<p><b><i>Integrated Commissioning and Quality Committee</i></b> <i>held in private</i></p>	<p><b><i>Annual Report</i></b> Date of Meeting: 25 April 2019</p>
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<b>Report Title</b>	Freedom of Information Requests (FOI) - Annual Report 2018-2019		
<b>Report Author</b>	<b>Presented By</b>	<b>Responsible Director</b>	
Gill Humberstone – Complaints and FOI Manager	Gill Humberstone – Complaints and FOI Manager	Ralph McCormack – Programme Director <i>Signature: Ralph W McCormack</i>	
<b>Purpose for presenting report</b>	The report includes data on Freedom of Information Requests for the period 01 April 2018 to 31 March 2019		
<b>Action Required:</b>	For information only to note.		
<b>Approval Route:</b>	n/a		
<b>Further Assurance:</b>	n/a		
<b>Which Strategic Objectives does this report provide evidence for?</b>			<b>Please Tick ✓</b>
We will commission high quality, safe and sustainable models of care that deliver effective clinical outcomes and patient experience using evidence based decisions and best practice			
We will ensure that there is a financially sustainable and affordable healthcare system in Bedfordshire.			
We will lead, engage and operate as an effective place based and STP wide system partner to achieve greater integration of care delivery.			
We will support local people and stakeholders to have an influence on services we commission to ensure our decisions are informed and shaped by local views and insights.			
We will operate and manage our Governing Body to the highest standards of accountability and transparency.			✓
<b>Implications/Assessments</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Have any financial implications been signed off by the Chief Finance Officer?			✓
Have any quality implications been signed off by the Director of Nursing & Quality?			✓
Have any privacy implications been signed off by the Head of Information Governance?			✓
Have any conflicts of interest implications been signed off by the Corporate Office?			✓
Have any public engagement implications been signed off by the Head of Communications & Engagement?			✓
Has an Equality Impact Assessment been carried out?			✓
<b>Key Risks</b>	Risks are managed through the risk management framework.		
<b>Executive Summary</b>	The report includes data on Freedom of Information Requests for the period 01 April 2018 to 31 March 2019		

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## 1. Introduction

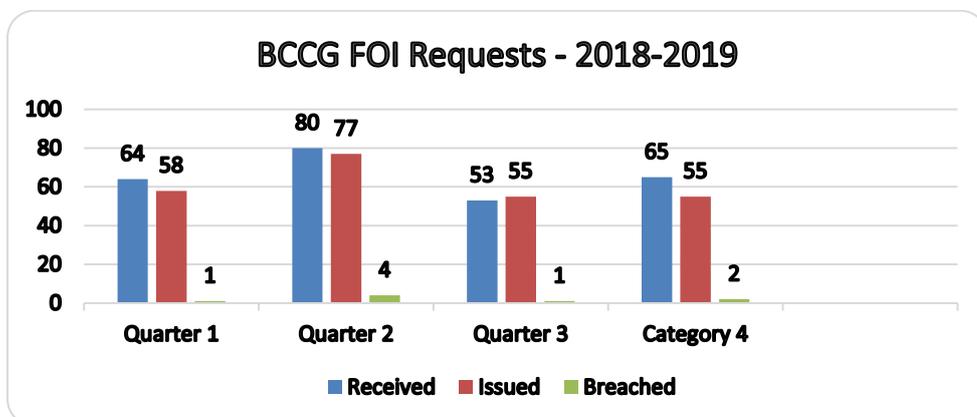
Freedom of Information Act came in effect in 2000 and gives members of the public the right to access recorded information held by public sector organisations. The aim of the Act is to create greater openness in public services and is a commitment to inform people how public authorities make operational decisions and how public money is spent. This commitment is supported by Bedfordshire Clinical Commissioning Group (BCCG) and our FOI policy is fully compliant with our statutory responsibilities under the Act. FOI requests must be in writing and organisations must respond within 20 working days.

## 2. FOI Overview

A total of **262** FOI requests were received for 2018/2019, compared to **289** in 2017/2018. **8** breached the 20 working day statutory response timeframe (3%) - reason for breaches: *Delay in receiving internal responses.*

In addition, the Patient Experience and FOI Officer has managed **243** FOI requests on behalf of Luton CCG for 2018/19, bringing the total to **505**.

BCCG FOIs 2018/2019	Received	Issued	Breached
Q1	64	58	1
Q2	80	77	4
Q3	53	55	1
Q4	65	55	2
<b>Totals 2018/2019</b>	<b>262</b>	<b>245</b>	<b>8</b>



### **3. Public Interest Tests and Exemptions**

Under the *Government Information (Public Access) Act 2009 (GIPA Act)*, all government agencies must disclose or release information unless there is an overriding public interest against disclosure. When deciding whether to release information, staff must apply the public interest test. This means, they must weigh the factors in favour of disclosure against the public interest factors against disclosure.

Unless there is an overriding public interest against disclosure, BCCG must provide the information. There are some limited exceptions to this general rule, for example where dealing with an application would constitute a significant and unreasonable diversion of resources.

*0 Public Interest Tests were undertaken for 2018/2019.*

*1 Exemption Section 12 of the FOI Act applied - It was estimated that the staff hours required to provide the information in the format requested would exceed the limit (18 hours @ £25.00 per hour = £450).*

*1 Exemption Section 21 of the FOI Act applied - Information accessible by other means*

### **4. Internal Reviews**

Requestors who are dissatisfied with the way their request has been handled or with a decision to withhold information, are entitled to request an internal review. The request must be made in writing to the CCG.

*1 review was requested for FOI Ref BF451. The initial response was challenged and following an internal review the information was provided.*

### **5. Information Commissioner's Office (ICO) Monitoring**

If a requestor remains dissatisfied following an internal review by BCCG or is unhappy with the way their request is being handled, they have the right to contact the Information Commissioner's Office (ICO) <https://ico.org.uk/>

*No cases were monitored by the ICO for 2018/19.*

### **6. Publication**

BCCG is obliged under the Act to have a formal Publication Scheme, which is the CCG's website. As well as the information dictated by the Act, such as information on the CCG's role within the NHS structure, its chief partner organisations etc, the CCG will pro-actively publish other information, such as reports, minutes and selected material released in response to FOI requests.