

**CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE**  
**Paper for the Board Meeting on 23 October 2015**  
**ANNUAL FREEDOM OF INFORMATION REPORT**

**KEY POINTS**

- *Cafcass received 185 requests for organisational information under the Freedom of Information Act 2000 during 2014/15; this represents an increase of 42% compared to the previous year. The most frequently requested topic was Cafcass policy.*
- *Cafcass also received 129 requests for personal information held by Cafcass (subject access) under the Data Protection Act 1998, which remains stable compared to 2013/14.*

**1. AIM AND PURPOSE**

- 1.1 To provide the Board with an overview of the nature and volume of Freedom of Information (FOI) requests received by Cafcass during 2014/15.

**2. RECOMMENDATIONS/ACTION FOR THE BOARD**

- 2.1 This report is for information only.

**3. BACKGROUND**

- 3.1 The Freedom of Information Act 2000 came into force on 1 January 2005. It allows individuals to request information from public bodies. Public bodies must respond within 20 working days and disclose the requested information where it is not subject to an exemption or exception allowing it to be withheld.
- 3.2 Routine requests for available or case-related information can be responded to under business as usual. 'Non-routine' requests or requests specifically stating the legislation are treated under the FOI Act, and these statistics relate to these only. The majority of requests received contain multiple queries, but are counted here as one request.

**4. EXECUTIVE SUMMARY**

FOI Measure	2014/15	Trend: 2013/14 comparison
<b>Number of FOI requests</b>	185	130
<b>Responses within the timescale</b>	98%	99%
<b>Outcomes of requests</b>		
• Information fully provided	56%	52%
• Information partially provided	28%	28%
• Information fully withheld	14%	17%
• Information not held by Cafcass	2%	2%
<b>Most popular category</b>	Policy	Staff related
<b>Request for review</b>		
• Internal (Cafcass review)	5%	12%
• External (ICO appeal)	0%	1%

#### **4.1 Number of FOI requests**

4.1.1 In 2014/15 Cafcass received a total of 185 requests. This is a 42% increase compared to the previous year, where there were 130 requests. The number of FOI requests has shown a steady increasing trend from the start of Cafcass records in 2006/7, with an average increase of 20% per year.

4.1.2 The main increase in requests has come from one-off applicants and also from policy-related requests which have more than doubled. There were also increases in requests relating to staff, complaints and commissioned services.

#### **4.2 Timeliness of responses to requests**

4.2.1 98% of requests were responded to within the statutory deadline of 20 working days, which remains stable compared to 2013/14. The average response time was 13 working days.

#### **4.3 Initial outcomes of requests**

4.3.1 Of the 185 requests received, 56% were fully provided with information and 14% were exempted from disclosure under the FOI Act. 2% of requests could not be resolved as the requested information was not held by Cafcass. The remaining requests (28%) were partially responded to; part of the information requested was either not held or exempted.

4.3.2 These percentages remain similar to 2013/14, with a 4% increase in fully disclosed responses, and a 3% decrease in fully withheld responses.

#### **4.4 Exemptions and exceptions**

4.4.1 52 separate exemptions or exceptions were applied in 47 responses (as some requests contained multiple questions/exemptions), accounting for 25% of responses. This is a decrease compared to the previous year where they were applied in 35% of responses.

4.4.2 The most common exemption used was where the request was for personal information which should remain private (section 40 exemption). This was used in half of exempted requests.

#### **4.5 Requests for reviews (internal reviews and ICO appeals)**

4.5.1 There were nine requests for internal reviews of the FOI response. This represented 5% of the total requests. This was a reduction compared to the previous year, where fifteen reviews (12%) of requests.

4.5.2 The handling of the original responses was confirmed in seven cases; in two cases some further relevant information was also disclosed.

4.5.3 There were no ICO investigations into potential non-compliance, compared to one in the previous year.

### **5. ANALYSIS AND COMMENTARY**

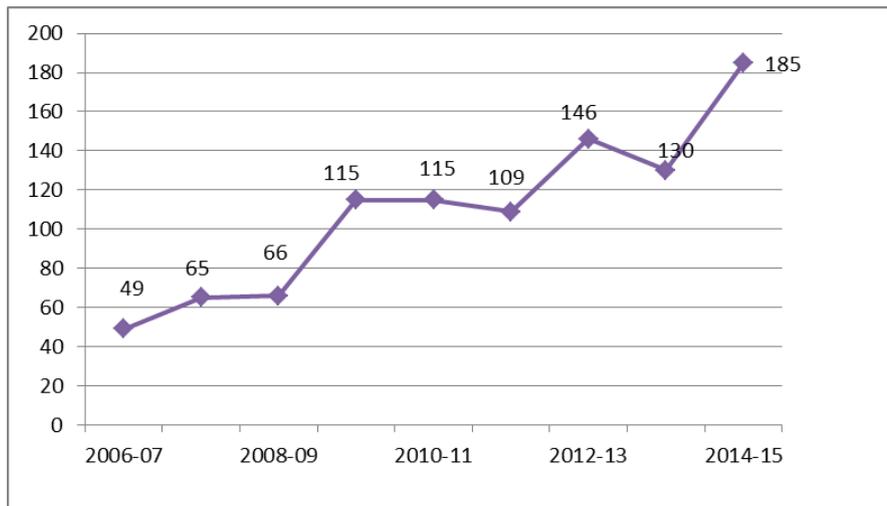
#### **5.1 Number of requests**

5.1.1 In 2014/15 Cafcass received 185 requests for information which were handled under the FOI Act. This represents a significant increase of 42% compared to the previous year, and was the largest year on year rise in number of requests since 2009/10.

5.1.2 This trend for increased requests compared to 2013/14 has been driven in part by:

- Applicant type: an increased number of one-off requests by different individuals (68% increase)
- Request type: an increased number of requests relating to Cafcass policy/training (150% increase)

**Figure 1: number of requests received by Cafcass since 2006/7**



## 5.2 Applicant type

5.2.1 The 185 FOI requests received were made by 131 different applicants. The total number of applicants has increased by over 50% from 2013/14, when requests were received from 85 different applicants.

5.2.2 In 2014/15:

- 109 applicants made one-off requests, constituting 59% of total requests. This is an increased percentage compared to 2013/14, when they represented 50%.
- 18 applicants made up to three requests each, which constituted 22% of total requests received;
- Four applicants made serial requests totalling 35 requests across the year, which constituted 19% of total requests received. Some focused a series of requests on 'parental alienation'; others made diverse requests, many of which related to both practitioners' and Cafcass' performance monitoring and accountability.

**Figure 2: number of requests received per applicant grouping**



5.2.3 There is a reducing trend in serial requests, which constituted 23% of total requests in 2013/14 and 27% in 2012/13. This reduction may be caused by better understanding of the function of the FOI Act, which contains exemptions to prevent its abuse by trivial or repeated requests.

### 5.3 Request type

5.3.1 FOI requests received by Cafcass are recorded under different categories according to the topic of the request; where a request contains multiple queries relating to a number of different topics, the main category has been counted. The total number of requests per category compared with the results from the previous year is shown in figure 3 below. A breakdown of the proportion of requests received per category in 2014/15 is illustrated in figure 4.

**Figures 3 and 4: percentage of requests received per category; number of requests received per category in 2013/14 and 2014/15.**



#### 5.3.2 Policy (and training):

- Requests relating to Cafcass policy and training almost tripled during 2014/15 compared to the previous year, accounting for 32% of all requests received. This is now the most popular category of request, compared to the previous year where staff-related enquiries were the most frequently requested.
- One reason for the increase may be the high frequency of news coverage relating to child sexual abuse and social work in 2014/15. There were requests for Cafcass policy relating to child abuse following the high profile inquiry into Rotherham Borough Council, the announcement of government plans to criminalise 'wilful neglect' of social workers. Another reason for the increase could be the increase of litigants-in-person with many requests for standard policy and procedure in relation to the role of Cafcass in family court proceedings, the type of personal information collected and used in court reporting (such as police records), and the Cafcass processes of interviewing and working with children and families. A number of requests were for the position of Cafcass in relation to issues faced within family law proceedings of parental conflict, implacable hostility and emotional abuse.

#### 5.3.3 Staff related:

- The number of staff and HR related requests remained significant, accounting for 27% of all requests. Almost a quarter of these were requests for the qualifications, training or recommendations of individual members of staff. These are commonly from service users relating to practitioners they are working with and are sometimes related to complaints. As personal information relating to individuals is usually exempt under FOI, responses typically only include the standard qualifications and training required of all Cafcass staff.
- Other requests related to our staff code of conduct and performance monitoring, numbers and ethnicity of employed social workers, use of agency staff, numbers of leavers and dismissals, severance information, as well as staff remuneration and expenses (particularly senior management).

#### 5.3.4 Complaints:

- The number of requests for information relating to complaints received by Cafcass has increased slightly to 15 requests accounting for 8% of all requests; these typically requested complaint statistics to be broken by type, age of complainant, and level of escalation, or related to an individual staff member or office.

#### 5.3.5 Statistics:

- Requests for statistics have decreased to account for 12% of all requests, compared to 23% of requests in the previous year. This is a significant decrease as statistics was the most popular category of request between 2009 - 2012. One reason for this decrease may be the fact that much of our reporting data is now readily available as it is published either monthly on our statistics webpage or quarterly within Board reports. Some requests which are still received ask for this published information to be broken down further, such as by gender of applicants and respondents.
- A quarter of statistics requests related to specific application types. The most common was for parental order application figures and related queries about the surrogate's country of residence and applicants' genders. A number of requests were related to Section 25 Secure Accommodation applications.
- These requests were received from a range of applicants, including other government agencies, the media, researchers and students, as well as individuals involved in proceedings.

#### 5.3.6 Resources:

- A number of FOI requests are commercial enquiries relating to services used by Cafcass, as well as requests seeking information in how public money is allocated and spent. These represented 11% of requests, which remains stable compared to the previous year.
- Almost half of these requests related to IT contract information. Other requests related to expenditure on different corporate functions, pilot programmes and commissioned services.

#### 5.3.7 The Cafcass Board:

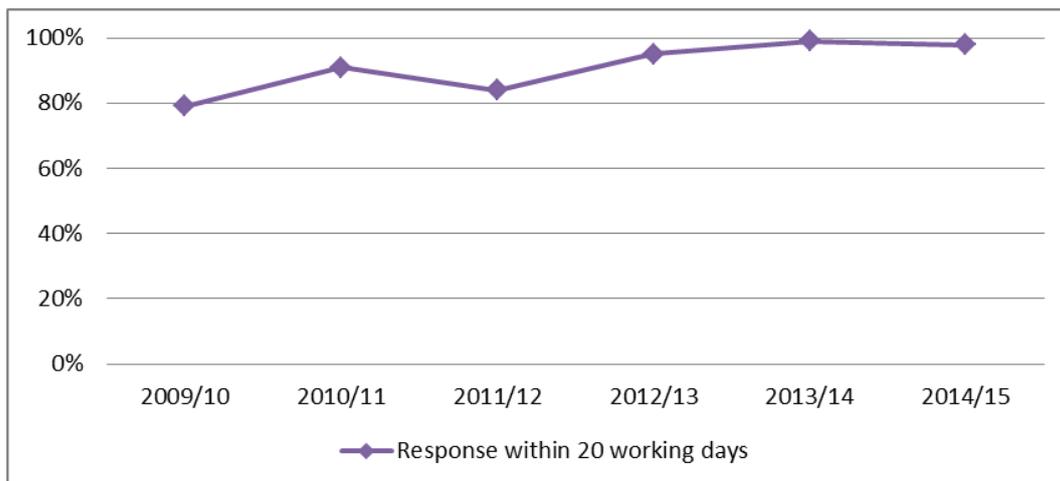
- There were three requests for Board information which included requests for direct contact details and one request for an updated 'Performance Report' which is usually published among the Board papers.
- The number of requests has remained stable compared to the previous year; the low number may be due to the fact that Board information is already made available and transparent on the Cafcass website.

5.3.8 Other requests included enquiries about litigation against Cafcass, the number of IRO referrals received by the Cafcass Legal team, the support for the National Charter of the Family Justice Young People's Board, the number of visitors to the Cafcass website, the solicitors' firms appointed by Cafcass, and information relating to the Rotherham inquiry. These represented 8% of total requests.

### 5.4 Timeliness of responses to requests

5.4.1 The FOI Act requires public bodies to respond to written requests for information within 20 working days of receipt.

**Figure 5: percentage of FOI responses sent within the statutory time limit since 2009/10**



5.4.2 During 2014/15, 98% of responses were sent within the statutory timeframe, which remains stable compared to 99% of responses in the previous year. The overall average response time has reduced slightly to 13 days, compared to 14 days in 2013/14.

5.4.3 Delays in four instances were caused by difficulties in statistics reporting following the introduction of the new case management system ECMS, the collation of historic data from a number of different systems, and one request where the deadline was not anticipated as it was not initially recognised as a FOI request. The Governance team aim to communicate closely with the applicants if the deadline is not going to be met in order to explain the delay and give a new expected response date.

## 5.5 Outcomes of requests

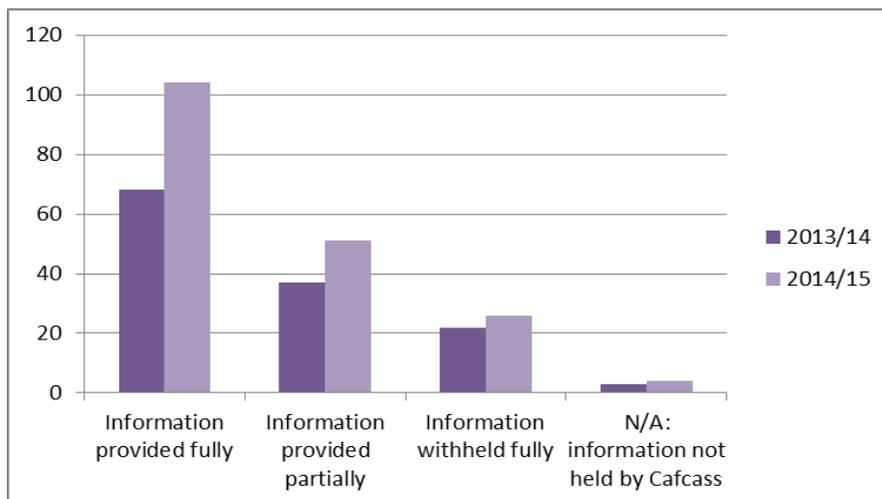
5.5.1 FOI responses can only disclose the requested information if it is already held by Cafcass in a recorded form, and if it does not fall within an FOI Act exemption or exception.

5.5.2 In 2014/15, of the 185 requests for information received:

- 56% were fully answered with information
- 16% were given no information either because the requested information was refused or fully exempt from disclosure under the FOI Act (14%), or the information was not held by Cafcass and the requests were therefore not resolvable (2%).
- 28% had information provided for only part of their requests because part of the requested information was refused or exempt from disclosure under the FOI Act (12%), or part of the requested information was not held by Cafcass (16%)

5.5.3 These percentages remain similar to 2013/14, with a 4% increase in responses with information fully provided, and a 3% decrease in responses where the information was fully withheld.

**Figure 6: number and outcome of requests in 2013/14 and 2014/15**



## 5.6 Use of exemptions or exceptions

5.6.1 Under the FOI Act, a public authority can only refuse to provide requested information that it holds if:

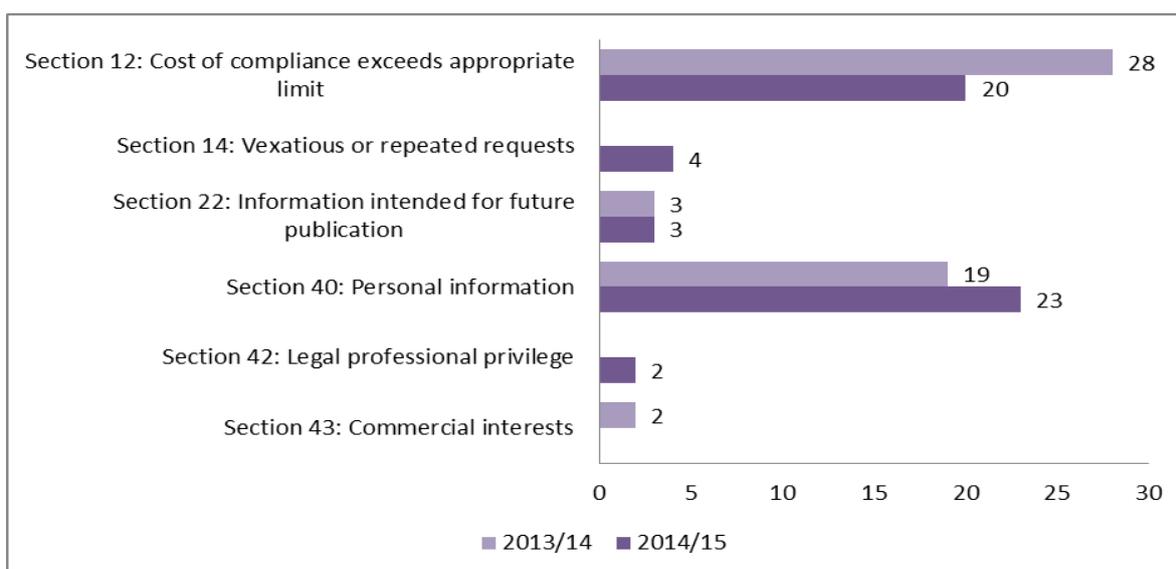
- The request is considered vexatious or repeated (Section 14);
- The cost of compliance would exceed the appropriate limit (Section 12);
- The information falls in one or more of the categories of exempt information (“exemptions”) listed in Part II of the Act.

5.6.2 In 2014/15, one or more of these exemptions or exceptions was applied to a total of 47 responses (25%) which is a smaller percentage than the previous year (35% in 2013/14).

5.6.3 The most commonly applied exemption was used in responses to requests for third-party personal information (Section 40), which were mainly requests relating to specific practitioners’ qualifications.

5.6.4 The exemption applied when the cost of compliance exceeds the standard limit (for Cafcass £450) was mainly applied where requests asked for information held within individual case files rather than held centrally in a reportable form; the cost of staff time for looking at individual cases.

**Figure 7: number of exemptions or exceptions applied in 2013/14 and 2015/16**



## 5.7 Internal reviews

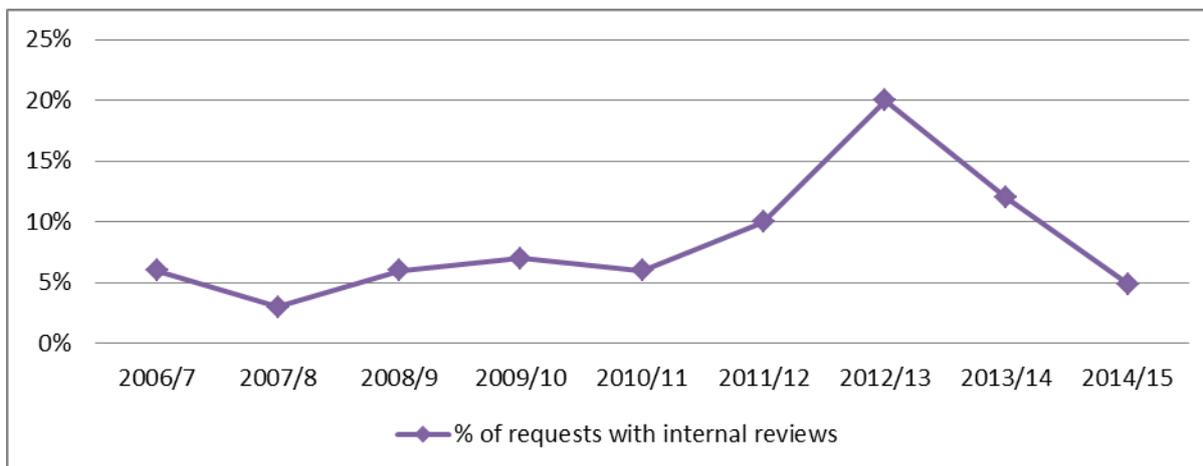
5.7.1 Applicants can ask for an internal review if they are not satisfied with a public authority's initial decision on whether or not to disclose the requested information, or if they were unhappy with the way the request was handled. This process should be a fair and thorough review of the initial decision.

5.7.2 In 2014/15, Cafcass received nine requests for an internal review which were all in relation to the initial decision on what information could be disclosed. This accounts for 5% of all requests. The outcomes of these reviews were:

- The initial handling of the requests under review was approved fully in seven of these cases;
- The initial handling of the requests under review was partially approved in two of these cases, where it was considered that initial responses were correct but that further information could have also been disclosed.

5.7.2 A third of the requests for internal reviews involved the application of an exemption; others felt that their requests had not been fully answered. The number of internal review requests has decreased over the past three years from 29 requests in 2012/13 (20% of all FOI requests) and 15 requests in 2013/14 (12% of all FOI requests).

**Figure 8: percentage of responses with requests for internal reviews**



## 5.8 Appeals to the Information Commissioner's Office (ICO)

5.8.1 If an applicant remains dissatisfied with the outcome of an internal review, they are able to appeal to the Information Commissioner's Office (ICO). The ICO is the independent regulator of public authorities in their handling of information rights.

5.8.2 No complaints relating to FOI responses completed during 2014/15 were received from the ICO, compared to one in 2013/14.

## 5.9 Requests for personal information: Subject Access Requests

5.9.1 Under the Data Protection Act 1998, individuals have the right to access copies of their own personal data held by public authority by making a 'subject access request'. These are handled separately to FOI requests and are managed by a dedicated team within the Customer Services Team.

5.9.2 In 2014/15, 129 subject access requests were received by Cafcass, and all were initially completed within the statutory timeframe (40 calendar days). There were 28 requests for internal reviews of responses, which were completed by a Head of Service. The original response was upheld in 19 cases, one was withdrawn, and additional information was provided in eight cases.

5.9.3 The ICO contacted Cafcass in relation to seven cases which were then reviewed by the Governance team. Cafcass was found to have complied with the relevant legislation in one case, but was found not to have complied with the terms of the legislation in six cases: one due to a response timescale

dispute, one due to the loss of a case file, and four due to not disclosing further information within the statutory timeframe although it was subsequently disclosed.

5.9.4 The ICO conducted an audit of the Cafcass subject access procedures in March 2015 and produced a report of their findings on their website. The outcome of the audit was that Cafcass attained the highest level of assurance and the ICO was very positive about the systems in place to deal with SARs.

## **6. CURRENT AND FUTURE WORK**

- The FOI Policy was updated in February 2015 and re-publicised within the organisation; information for service users on the website was also updated and clarified, with a user friendly factsheet produced.
- The Publication Scheme was updated in line with ICO guidelines to improve its readability and relevance.
- Some frequently requested information has now been published:
  - FOI responses containing disclosed information are regularly published in a Disclosure Log to enable public access to information requested by others;
  - the Cafcass police check guidance has been published following a number of requests interested in the process behind Cafcass obtaining police check information.
- Cafcass will continue to aim to provide a first rate service for working transparently where appropriate and disclosing information as set out in the FOI Act.

## **7. BENEFITS FOR CHILDREN**

7.1 Cafcass' promotion of transparency and commitment to sound information management signifies that we are committed to responding to requests in ways that appropriately meet the interests of both adult and child service users.

## **8. FINANCIAL ANALYSIS**

8.1 Responses to FOI requests have been contained within existing budgets and the workloads of the Head of Legal Services, Information Assurance Officer and contacts within the relevant departments.

## **9. RISK ANALYSIS**

9.1 The potential reputational damage that would arise from significant non-compliance with the requirements of the Freedom of Information Act 2000 means that Cafcass needs to continue to be diligent in responding to FOI requests in a timely and proper way.

## **10. DIVERSITY ANALYSIS**

10.1 The methods of accessibility for the public to the information maintained by Cafcass are varied; the publication scheme and website, hard paper copies, and emailed information in several formats are available. Members of the public have the right to express a preference for different methods of communication as set out in Section 11 of the FOI Act.

**Emily Halliday, Information Assurance Officer**  
**12 October 2015**

	2014-15	2013-14	2012-13	2011-12	2010-11	2009-10
<b>Total number of requests</b>	<b>185</b>	130	146	109	115	115
<b>Type of information requested</b>						
Board related	<b>3 2%</b>	3 2%	6 4%	1 1%	5 4%	6 5%
Complaints	<b>15 8%</b>	8 6%	10 7%	5 5%	5 4%	8 7%
Policy	<b>60 32%</b>	24 19%	11 8%	21 19%	11 10%	23 20%
Publications	*	2 2%	9 6%	2 2%	6 4%	3 3%
Resources (previously Procurement)	<b>20 11%</b>	16 12%	13 9%	*	*	*
Staff related	<b>50 27%</b>	38 29%	43 29%	25 23%	26 23%	12 11%
Statistics	<b>23 12%</b>	30 23%	28 19%	35 32%	32 28%	43 38%
Other	<b>14 8%</b>	9 7%	26 18%	20 18%	30 26%	20 16%
<b>Response time</b>						
Response within 20 working days	<b>181 98%</b>	129 99%	138 95%	92 84%	105 91%	91 79%
Response after 20 working days	<b>4 2%</b>	1 1%	8 5%	16 15%	10 9%	11 10%
Response not necessary	*	*	*	1 1%	0 0%	13 11%
Average response time	<b>13.0 days</b>	14.0 days	14.7 days	14.7 days	12 days	14.3 days
<b>Response outcome</b>						
Information provided fully	<b>104 56%</b>	68 52%	*	*	*	*
Information provided partially	<b>51 28%</b>	37 28%				
Information withheld fully	<b>26 14%</b>	22 17%				
N/A: information not held by Cafcass	<b>4 2%</b>	3 2%				
<b>Number of responses containing exemption</b>	<b>47 25%</b>	46 35%	55	18	10	17
<b>Internal reviews</b>						
<b>Number of internal reviews</b>	<b>9 5%</b>	15 12%	29 20%	11 10%	7 6%	8 7%
Fully upheld initial response	<b>7 4%</b>	14 11%	*	*	*	*
Partially upheld initial response	<b>2 1%</b>	1 1%				
Overturned initial response						
<b>ICO involvement</b>	<b>0 0%</b>	1 1%	3 2%	1 1%	3 3%	4 3%

<b>Applicant type</b>												
One-off requests	<b>109</b>	<b>59%</b>	65	50%	*	*	*	*	*			
Up to 3 requests per person	<b>41</b>	<b>22%</b>	35	27%								
4 or more requests per person	<b>35</b>	<b>19%</b>	30	23%								
<b>Sourced from whatdotheyknow.com</b>	<b>63</b>	<b>34%</b>	45	35%	57	39%	26	24%	36	33%	37	32%

<b>Most popular category of request</b>	Policy	Staff related	Staff related	Statistics	Statistics	Statistics
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