



## CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 24<sup>th</sup> October 2014

### ANNUAL FREEDOM OF INFORMATION REPORT

#### 1. AIM AND PURPOSE

- 1.1 To provide the Board with an overview of the changes in the nature and volume of Freedom of Information (FOI) requests received by Cafcass during the period between 1<sup>st</sup> April 2013 and 31<sup>st</sup> March 2014.

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

- 2.1 This report is for information only.

#### 3. EXECUTIVE SUMMARY

<b>Number of requests received</b>	130
<b>Outcome of information requested:</b>	
• <b>Fully</b> provided	68 (52%)
• <b>Partially</b> provided	37 (29%)
• <b>None</b> provided (where none of the requested information is held or where all of the requested information is exempt )	25 (19%)
<b>Most popular category of request</b>	Staff related
<b>Internal review of response requested</b>	15 (12%)
<b>ICO involvement</b>	1 (1%)

#### 4. BACKGROUND

- 4.1 Successive Governments have established a statutory framework for enabling access to information. This framework includes the Data Protection Act 1998 and the Freedom of Information Act 2000.
- 4.2 Cafcass continues its commitment to transparency to provide the public with government data, subject to any relevant exemptions.

### 4.3 Key Features of a Freedom of Information Request

- An applicant can request any non-personal information held by Cafcass.
- Applicants are required to put a request in writing.
- The Act provides a time limit of 20 working days to respond to a request. In some circumstances the time limit can be extended.
- Information is currently provided free of charge.
- Applicants have the right to re-use the data provided to them.
- There are 23 possible exemptions under the Freedom of Information Act 2000. Seven of the exemptions are absolute and the remainder are subject to a public interest test.
- If an applicant is unhappy with the way in which the request has been handled or is dissatisfied with the decision, the applicant can ask for an internal review.
- If the applicant remains dissatisfied as a result of the internal review they can complain to the Information Commissioner's Office (ICO).

## 5. KEY ISSUES FOR THE BOARD TO CONSIDER

5.1 Information relating to FOI requests from for the past six years is summarised in Table 1 (below). The categories listed in the table will be explored below.

**TABLE 1: Summary of Freedom of Information Requests (April 2008 – April 2014)**

	2013 – 2014	2012 - 2013	2011 - 2012	2010 - 2011	2009 - 2010	2008 - 2009
<b>Total Number of Requests</b>	130	146	109	115	115	66
<b>Type of Information Requested</b>						
Board Related	3 (2%)	6 (4%)	1 (1%)	5 (4%)	6 (5%)	0
Complaints	8 (6%)	10 (7%)	5 (5%)	5 (4%)	8 (7%)	9 (14%)
Policy	24 (19%)	11 (8%)	21 (19%)	11 (10%)	23 (20%)	13 (20%)
Procurement	16 (12%)	13 (9%)	*	*	*	*
Publications	2 (2%)	9 (6%)	2 (2%)	6 (4%)	3 (3%)	3 (4%)
Staff Related	38 (29%)	43 (29%)	25 (23%)	26 (23%)	12 (11%)	13 (20%)
Statistics	30 (23%)	28 (19%)	35 (32%)	32 (28%)	43 (38%)	18 (27%)
Other	9 (7%)	26 (18%)	20 (18%)	30 (26%)	20 (16%)	10 (15%)
<b>Response Time</b>						
Response Within 20 Working Days	129 (99%)	138 (95%)	92 (84%)	105 (91%)	91 (79%)	*
Response After 20 Working Days	1 (1%)	8 (5%)	16 (15%)	10 (9%)	11 (10%)	*
Response Not Necessary	0	0	1 (1%)	0	13 (11%)	*
Average Response Time	14.0 days	14.7 days	14.7 days	12 days	14.3 days	*
<b>Number of FOIA Exemptions Applied</b>	52	55	18	10	17	7
<b>Number of Internal Reviews</b>	15 (12%)	29 (20%)	11 (10%)	7 (6%)	8 (7%)	4 (6%)
<b>ICO Involvement</b>	1 (1%)	3 (2%)	1 (1%)	3 (3%)	4 (3%)	3 (5%)
<b>Sourced from whatdotheyknow.com</b>	45 (35%)	57 (39%)	26 (24%)	36 (33%)	37 (32%)	2 (3%)

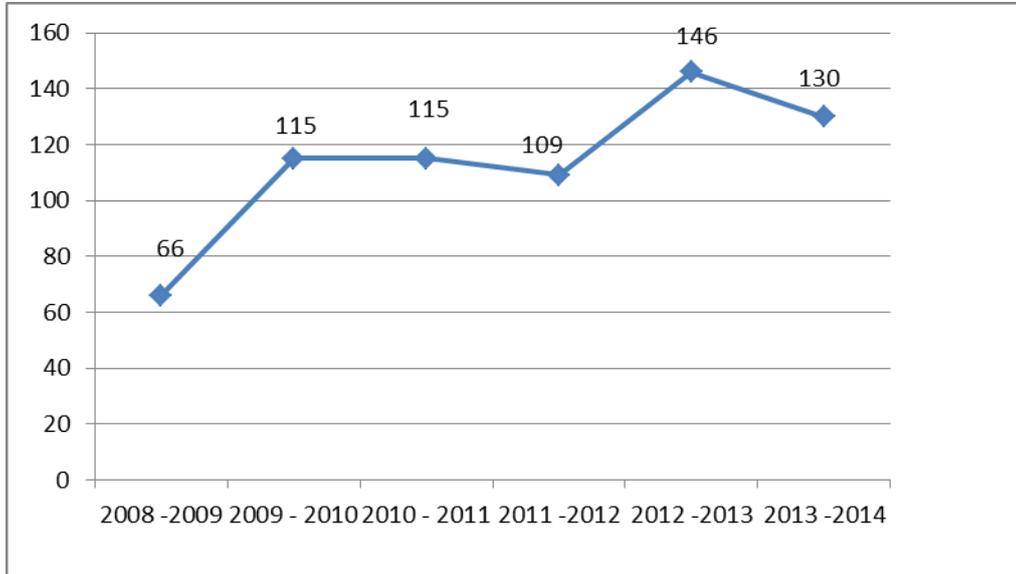
\* information not recorded

## 5.2 Total Number of Requests

5.2.1 There has been a general upward trend in the number of FOI requests received over the last six years. Diagram 1 (below) illustrates this trend.

5.2.2 There has been an 11% decline in 2013/14 compared with 2012/13. This is explored below.

**Diagram 1: Number of FOI Requests Received (April 2008 – March 2014)**



5.2.3 There were 130 FOI requests received and responded to in 2013/14.

5.2.4 These requests were received from 85 different applicants which shows that some applicants make multiple requests:

- 65 applicants made one-off requests, which constituted 50% of total requests received;
- 16 applicants made up to three requests each, which constituted 27% of total requests received;
- Four applicants made serial requests totalling 30 requests across the year, which constituted 23% of total requests received.

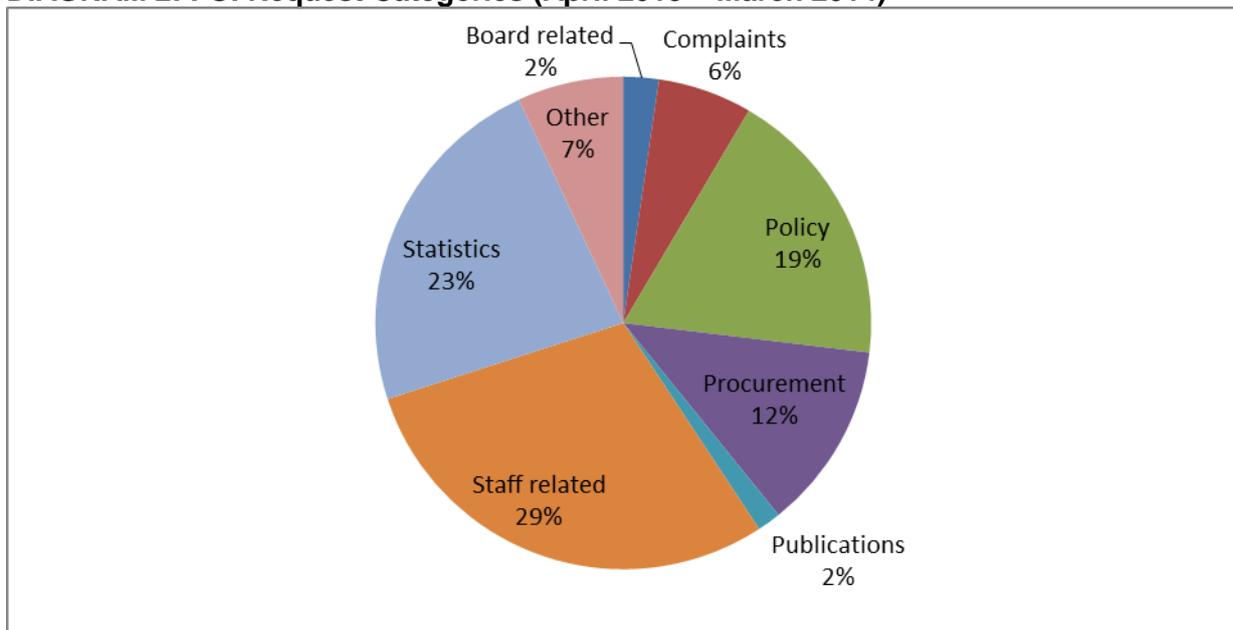
5.2.5 The 11% decrease of FOI requests in 2013/14 compared with 2012/13 may be due to a reduction in requests from serial applicants. In 2012/13 three serial applicants made 40 requests between them, which constituted 27% of total requests received.

## 5.3 Type of Information Requested

5.3.1 FOI requests are recorded under eight categories:

- |  |                  |
|--|------------------|
| 1) Board Related                           | 5) Publications  |
| 2) Complaints                              | 6) Staff Related |
| 3) Policy                                  | 7) Statistics    |
| 4) Procurement ( <i>added in 2012/13</i> ) | 8) Other         |

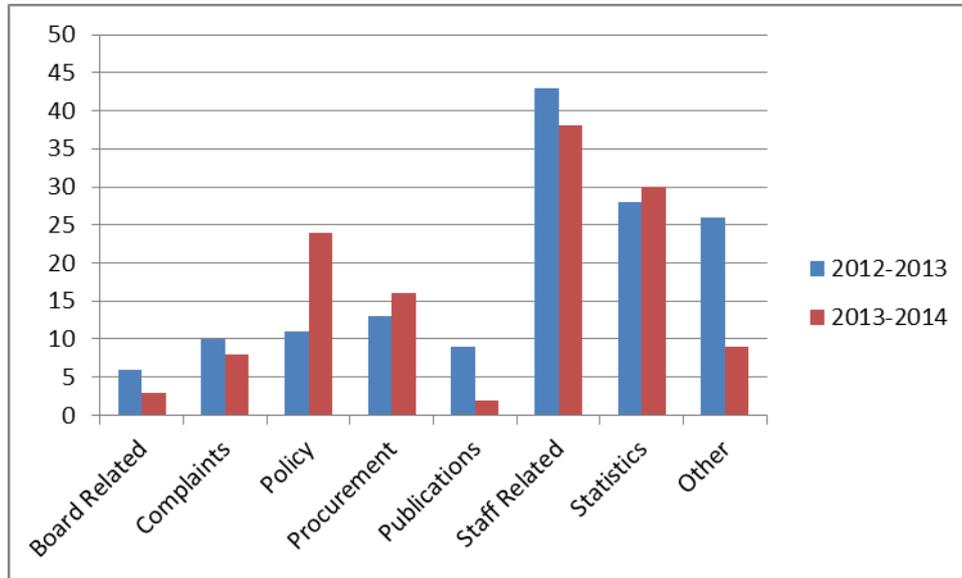
5.3.2 A breakdown of 2013/14 FOI requests by category is illustrated in Diagram 2 (below). These are compared with results from the previous year in Diagram 3 (also below).

**DIAGRAM 2: FOI Request Categories (April 2013 – March 2014)**

- 5.3.3 **Staff and HR** related enquiries remained the largest request category in 2013/14, accounting for 29% of all requests.
- Almost a quarter of these were requests for the qualifications, training and experience of individual members of staff. These are usually from service users wanting background information on practitioners they are working with and are sometimes related to complaints.
- 5.3.4 Requests for **statistics** remained popular as the second largest request category in 2013/14, accounting for 23% of all requests.
- Just under a quarter of these were requests for the number of applications received for specific types of order.
  - Other common requests are for outcomes recommended by Cafcass, which cannot be given as they are not centrally recorded on our system.
  - These requests come from a range of applicants including think tanks, organisations in the child protection sector, and the press.
- 5.3.5 **Policy** related enquiries more than doubled in 2013/14 and accounted for 19% of all requests.
- These included requests for all types of policy ranging from the Operating Framework and the Child Protection policy to the Health and Safety policy.
  - This increase may be related to the increase in litigants-in-person as service users are researching what should be expected when working with Cafcass.
  - Another reason for the rise is the increased identification of policy-related web enquiries as FOIs: previously these were responded to by the Policy team, but now these are treated as FOIs to provide greater consistency in responses and more structured correspondence.
- 5.3.6 **Procurement** related requests also increased, accounting for 12% of requests.
- The majority of these requests were for ICT contract information. These commerce-related FOIs could be related to the fact that Cafcass has started the process for ICT reprocurement.
  - Others were related to Cafcass general expenditure.
- 5.3.7 **'Other'** category requests accounted for 7% of requests.
- These included enquiries about litigation against Cafcass and about the Cafcass Twitter account.
- 5.3.8 **Complaints** requests represented 6% of the total requests.
- These often ask for the number of complaints against specific practitioners, single offices, and Cafcass as a whole, together with details of outcomes where these have been resolved in house or by the Ombudsman.
- 5.3.9 Requests for **Board information** decreased to just three requests in 2013/14.

- These comprised of one request for the Board’s register of interests and gift and hospitality register, one for information on Board member appointment process, and one for general Board information including accountability and remuneration.
  - Unlike previous years, no requests were related to issues brought up by Board meeting minutes.
- 5.3.10 There were two requests for information relating to **publications** in 2013/14. These included a request about Cafcass’s PR expenditure and publication of Cafcass’s business planning processes.

**DIAGRAM 3: FOI Requests per category in 2012-13 and 2013-14**



**5.4 Timeliness**

- 5.4.1 The average time taken to respond to a request in 2013/14 was 14 working days.
- 5.4.2 Of the 130 requests, 1 was not completed within the 20 working day deadline. There was an agreed extension for this request. This is an improvement from the 2012/13, where 8 requests were not completed within the deadline.
- 5.4.3 The Governance Team aim to communicate closely with individual requesters if the 20 working days is not going to be met.

**5.5 Use of Exemptions**

- 5.5.1 The number and categories of FOIA exemptions that were applied to requests made between April 2008 and March 2014 can be seen in Table 2 (below).
- 5.5.2 52 FOIA exemptions were applied across 46 FOI responses in 2013/14, which is similar to the previous year. 35% of requests therefore contained at least one question which was exempt. Where an exemption was applied, a partial response may still have been given in relation to the entire FOI request.
- 5.5.3 The Section 12 exemption was applied most frequently at 28 times. This applies to requests where the cost of compliance would exceed the financial limit of £450 in terms of staff time collecting the data. This is usually applied where information may be held in individual case files but is currently not collectable via our reporting systems.
- 5.5.4 The Section 40 exemption was applied in 19 instances where requests were for third-party personal information. These were mainly requests for information relating to specific practitioners, such as their qualifications or complaints against them.
- 5.5.5 The Section 22 exemption was applied three times and relates to information intended for future publication.

**TABLE 2: FOIA Exemptions Applied (April 2008 – March 2014)**

FOIA EXEMPTION APPLIED	2013/ 2014	2012/ 2013	2011/ 2012	2010/ 2011	2009/ 2010	2008/ 2009
<b>Section 8:</b> Request for information (correct procedure).	-	-	-	-	3	-
<b>Section 12:</b> Cost of compliance exceeds appropriate limit.	28	29	11	3	1	-
<b>Section 14:</b> Vexatious or repeated requests.	-	-	-	4	1	-
<b>Section 21:</b> Information accessible by other means.	-	-	-	-	-	-
<b>Section 22:</b> Information intended for future publication.	3	3	1	-	2	1
<b>Section 36:</b> Prejudice to effective conduct of public affairs.	-	2	1	-	4	1
<b>Section 40:</b> Personal information.	19	20	5	1	6	3
<b>Section 42:</b> Legal professional privilege.	-	-	-	-	-	1
<b>Section 43:</b> Commercial interests.	2	1	-	2	-	1
<b>Section 44:</b> Prohibitions on disclosure.	-	-	-	-	-	-
<b>TOTAL</b>	<b>52</b>	<b>55</b>	<b>18</b>	<b>10</b>	<b>17</b>	<b>7</b>

5.5.6 Further to exemptions, responses cannot be given where Cafcass does not hold the information requested. 16 requests (12%) contained at least one question where this was the case.

5.5.7 Exemptions together with the information requested not being held by Cafcass meant that:

- 25 requests (19%) received no information at all;
- 37 requests (29%) received partial responses.

## 5.6 Internal Reviews

5.6.1 In 2013/14, 15 internal reviews were conducted by members of the Information Assurance Programme Board. This represents 12% of requests which is lower than the previous year where 20% of requests resulted in internal reviews.

5.6.2 The majority of internal reviews were requested when Cafcass responded with an exemption or a statement that they did not hold the information.

5.6.3 In 2013/14, 14 original FOI responses were fully upheld and one was partially upheld. Where the response was partially upheld, a correction of erroneous data was made and some previously excluded information was provided.

5.6.4 Requesters are entitled to complain to the Information Commissioner's Office (ICO) if they are dissatisfied with the outcome of an internal review.

## 5.7 Complaints to ICO & Correspondence Summary

5.7.1 The Information Assurance Manager is regularly in contact with the ICO for advice and discussion.

5.7.2 In 2013/14 Cafcass was investigated in respect of one request related to the application of an FOIA exemption. In this case, the data was in fact exempt but in the first instance the incorrect exemption had been applied.

5.7.3 This has reduced from the previous year where in 2012/13 the ICO received four complaints regarding Cafcass' FOI responses, although none of these were formally upheld by the ICO.

## 5.8 Source of Requests

5.8.1 Cafcass continues to receive a large proportion of requests (34% in 2013/14) through the website [www.whatdotheyknow.com](http://www.whatdotheyknow.com). This website allows people to make FOI requests without using their own email addresses and any responses sent are publicly available on the site.

5.8.2 The majority of other requests are sent directly to the Governance mailbox, or are forwarded by practitioners, Web Enquiries, or the Customer Services team.

## **5.9 Links between the FOIA and Subject Access Requests (SARs)**

- 5.9.1 The Information Commissioner has powers in relation to both FOI requests and Subject Access Requests (requests for personal information under the Data Protection Act 1998). It is not unusual for a service user to write one correspondence to Cafcass which contains a complaint, a Subject Access Request and a Freedom of Information Request. It is very important for all aspects of such requests to be addressed separately and under the relevant process. There continues to be information and news stories on the intranet to ensure that requests for information are dealt with in the correct manner.
- 5.9.2 A total of 131 SARs were received in 2013/14 and all were completed on time. There were 20 SAR reviews requested which are completed by Heads of Service. The original decision was upheld in 11 cases and additional information was provided in 9 cases.

## **6. FUTURE WORK**

- 6.1 Cafcass have been working to ensure the internet pages are regularly checked to ensure the public have access to up to date information.
- The FOI policy will be updated in 2014/15.
  - The disclosure log for some 2013/14 requests will be published in 2014/15. This will enable members of the public to access data regularly requested via the FOI process.
  - Frequently requested information will be analysed to explore whether this information should be regularly published on our website to reduce FOI requests.
- 6.2 Cafcass will continue to aim to provide a first rate service via the provision of data as set out in the FOIA.

## **7. BENEFITS FOR CHILDREN**

- 7.1 Cafcass' promotion of transparency and commitment to sound information management and practice 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 The numbers of FOI requests have been contained within existing budgets and within the workload of the Information Assurance Manager with support from the Governance Graduate.

## **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 is 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 FOIA.