



CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Paper for the Board Meeting on 13 September 2013

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 1st April 2012 and 31st March 2013.

2. RECOMMENDATIONS/ACTION FOR THE BOARD

2.1 This report is for information only.

3. SHORT SUMMARY

3.1 In 2012/2013 Cafcass received **146 requests** for information, 36 more than during the previous year.

3.2 In 2012/2013 the majority of requests were for staff and HR related information. A large number of requests were for area and case related statistics; this is a continuing trend.

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.
- 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 Table 1 (below) summarises the information relating to FOI Act requests from 2006/2007 onwards.

TABLE 1: Summary of Freedom of Information Requests (April 2006 – April 2013)

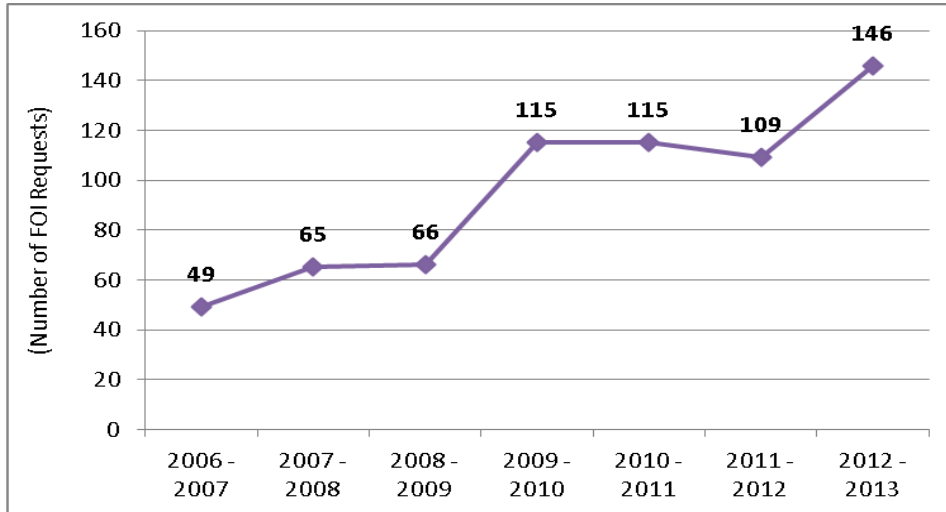
	2012 - 2013	2011 - 2012	2010 - 2011	2009 - 2010	2008 - 2009	2007 - 2008	2006 - 2007
Total Number of Requests	146	109	115	115	66	65	49
Type of Information Requested							
Board Related	6 (4%)	1 (1%)	5 (4%)	6 (5%)	0	5 (8%)	4 (8%)
Complaints	10 (7%)	5 (5%)	5 (4%)	8 (7%)	9 (14%)	*	*
Policy	11 (8%)	21 (19%)	11 (10%)	23 (20%)	13 (20%)	12 (19%)	13 (27%)
Procurement	13 (9%)	*	*	*	*	*	*
Publications	9 (6%)	2 (2%)	6 (4%)	3 (3%)	3 (4%)	5 (8%)	9 (18%)
Staff Related	43 (29%)	25 (23%)	26 (23%)	12 (11%)	13 (20%)	*	*
Statistics	28 (19%)	35 (32%)	32 (28%)	43 (38%)	18 (27%)	29 (44%)	15 (31%)
Other	26 (18%)	20 (18%)	30 (26%)	20 (16%)	10 (15%)	14 (21%)	8 (16%)
Response Time							
Response Within 20 Working Days	138 (95%)	92 (84%)	105 (91%)	91 (79%)	*	*	*
Response After 20 Working Days	8 (5%)	16 (15%)	10 (9%)	11 (10%)	*	*	*
Response Not Necessary	0	1 (1%)	0	13 (11%)	*	*	*
Average Response Time	14.7 days	14.7 days	12 days	14.3 days	*	*	*
Number of FOIA Exemptions Applied	55	18	10	17	7	22	3
Number of Internal Reviews	29 (20%)	11 (10%)	7 (6%)	8 (7%)	4 (6%)	2 (3%)	3 (6%)
ICO Involvement	3 (2%)	1 (1%)	3 (3%)	4 (3%)	3 (5%)	3 (5%)	0
Sourced from whatdotheyknow.com	57 (39%)	26 (24%)	36 (33%)	37 (32%)	2 (3%)	0	N/A

* Information not recorded.

5.2 Number of Requests

- There has been a continued upward trend in the number of requests received over the last seven years. Diagram 1 (below) illustrates this trend.

Diagram 1: Number of FOI Requests Received (April 2006 – March 2013)



- Although the number of requests received by Cafcass appears to have steadied over the past three years, there was a significant increase in 2012/2013. This can be partly attributed to two repeat requestors who made a combined total of 40 requests over the period.

5.3 Requests Categories

- FOI requests are recorded under eight categories:
 - 1) Board Related
 - 2) Complaints
 - 3) Policy
 - 4) Procurement (*added in 2012/13*)
 - 5) Publications
 - 6) Staff Related
 - 7) Statistics
 - 8) Other
- Diagram 2 (below) illustrates the breakdown of FOI requests by category in 2012/2013, and Diagram 3 (also below) makes a comparison of request categories in 2012/2013 and 2011/2012.

DIAGRAM 2: FOI Request Categories (April 2012 – March 2013)

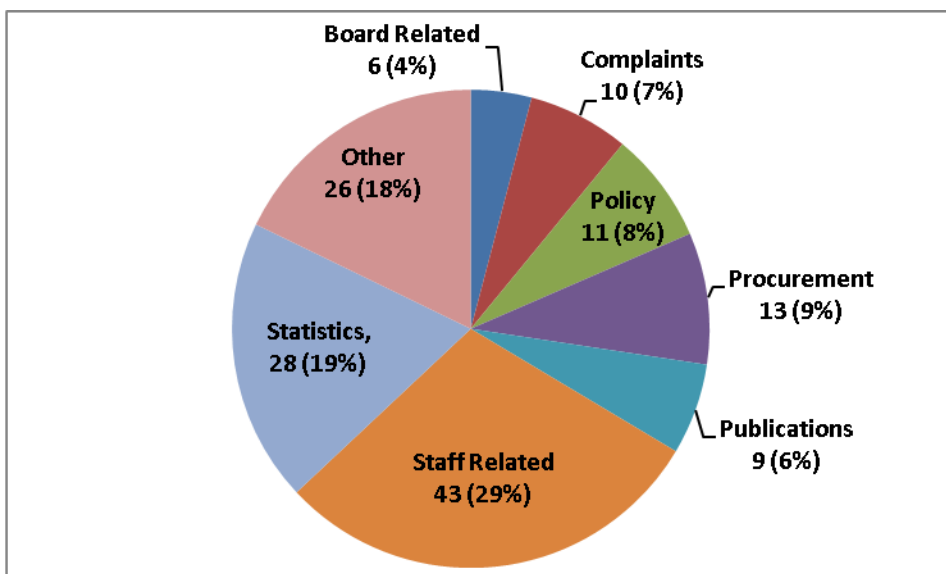
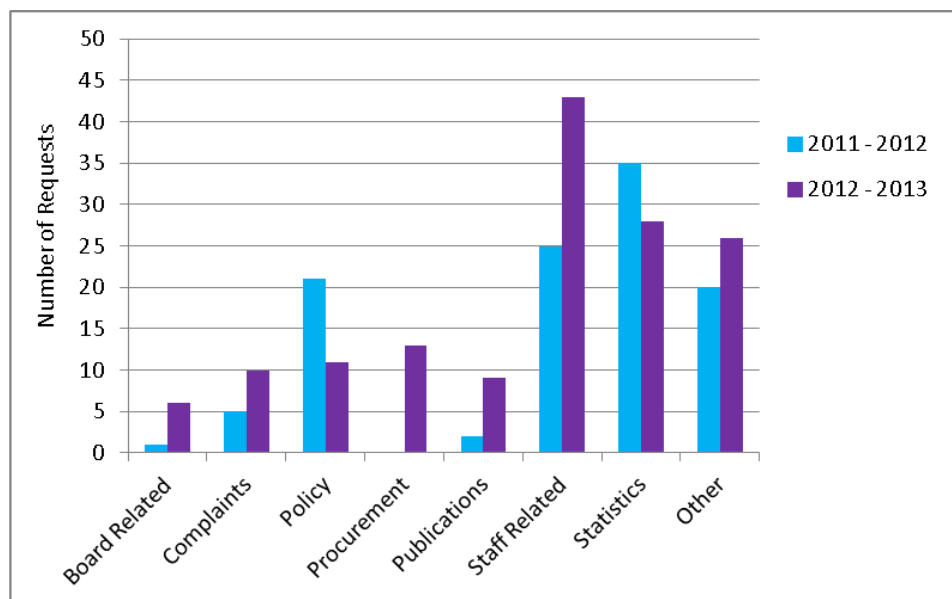


DIAGRAM 3: FOI Request Categories 2011-12 and 2012-2013



- Staff and HR related enquiries represented the largest request category in 2012/2013, accounting for 29% of all requests. The number of requests in this category increased by 73% since 2011/2012. This may in part reflect the continued structural and organisational changes within Cafcass throughout 2012/2013.
- The number of requests for statistics has fallen by 20% since 2011/2012. However, requests for statistics remain popular and it was the second largest request category in 2012/2013.
- In 2012/2013 the 'procurement' category was introduced, which accounted for 9% of all requests. This category includes requests for Preferred Supplier Lists and contracts for the supply of goods and services.
- Although there was a significant reduction in the number of requests for policies in 2012/2013, there was a corresponding rise in the number of requests for publications. Both types of information are routinely published on the Cafcass website as part of the Cafcass Publication Scheme.
- There was an increase in the number of complaints and Board-related requests in 2012/2013, with each category receiving an additional five requests when compared to 2011/2012. There has previously been a decrease in Board related requests which was due to the updated internet pages containing Board minutes and papers.
- The 'other' category relates to requested information which does not fall within the other seven categories. In 2012-2013 this category included several legal questions, enquiries about commissioned services and requests for information about individual cases.

5.4 Timeliness

- The average time taken to respond to a request in 2012/2013 was **14.7 working days**.
- Of the 146 requests, 8 (5%) were not completed within the 20 working day deadline. This is inclusive of two agreed extensions and one occasion where the request was not forwarded to the Governance Team within the 20 day deadline.
- 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

- Table 2 (below) details the number and categories of FOIA exemptions that were applied to requests made between April 2006 and March 2013.
- The table indicates that FOIA exemptions were applied **55 times** in 2012/2013, a threefold increase from the previous year.
- The Section 12 exemption, which applies to requests where the cost of compliance would exceed the financial limit of £450, was applied most frequently.
- The section 40 exemption, which relates to personal information, was applied in 20 instances; this is significantly more than in previous years.

TABLE 2: FOIA Exemptions Applied (April 2006 – March 2013)

FOIA EXEMPTION APPLIED	2012/ 2013	2011/ 2012	2010/ 2011	2009/ 2010	2008/ 2009	2007/ 2008	2006/ 2007
Section 8: Request for information (correct procedure).	-	-	-	3	-	-	-
Section 12: Cost of compliance exceeds appropriate limit.	29	11	3	1	-	3	-
Section 14: Vexatious or repeated requests.	-	-	4	1	-	-	-
Section 21: Information accessible by other means.	-	-	-	-	-	7	-
Section 22: Information intended for future publication.	3	1	-	2	1	2	-
Section 36: Prejudice to effective conduct of public affairs.	2	1	-	4	1	4	2
Section 40: Personal information.	20	5	1	6	3	3	1
Section 42: Legal professional privilege.	-	-	-	-	1	-	-
Section 43: Commercial interests.	1	-	2	-	1	-	-
Section 44: Prohibitions on disclosure.	-	-	-	-	-	3	-
TOTAL	55	18	10	17	7	22	3

5.6 Internal Reviews

- In 2012/2013, **29 internal reviews** were conducted by members of the corporate management team.
- Approximately 20% of requests resulted in an internal review during 2012/2013. This is proportionally higher than in previous years, where a review was requested in 5-10% of requests.
- The majority of internal reviews are requested when an exemption has been applied and when Cafcass does not collect the requested information.
- 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

- The Information Assurance Manager is regularly in contact with the ICO for advice and discussion.
- In 2012/2013 Cafcass was investigated in respect of **three requests**, approximately 2% of the total number of requests. All three complaints related to the application of an FOIA exemption.
- The outcomes of 2 of those complaints are pending. One has resulted in the ICO agreeing on the application of the s12 exemption. The complaint was not upheld.

- During the period between 1st April 2007 and 31st March 2013, the ICO became involved with 17 FOI requests. It considered that Cafcass was likely acting contrary to the Freedom of Information Act 2000 in 3 cases (18%). A further 11 cases (64%) were considered consistent with the Act or withdrawn by the ICO. The outcome of the remaining three cases is pending.

5.8 Source of Requests

- Cafcass continues to receive a large proportion of requests through the website www.whatdotheyknow.com. In 2012/2013, nearly 40% of FOI requests originated from this source.
- The majority of other requests are sent directly to the Governance mailbox, or are forwarded by practitioners or customer services team.
- The governance email address (governance@cafcass.gsi.gov.uk) ensures that requests for information are dealt with in a timely manner.

5.9 Links between the FOI Act and Subject Access Requests(SARS)

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 to Cafcass with a complaint, a Subject Access Request and a Freedom of Information Request in one single email or letter. 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.

The customer services team at the National Business Centre took on the processing of SARs in September 2012. A total of 60 SARs were received between September 2012 and March 2013, with 58 being completed and 57 (98%) of these within the 40 day timescale.

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 and the disclosure log will be published in 2013/14. The disclosure log will enable members of the public to access data regularly requested via the FOI process. Cafcass will continue to aim to provide a first rate service via the provision of data as set out in the FOI Act.

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 FOI Act.

**Melanie Carew – Head of Legal
Governance Team - August 2013**