

Our ref: **NIC-52743-6BYS9**

12th July 2010

Dear Mr Bacon,

Re: Information Request – Freedom of Information Act 2000

Thank you for your email dated 14 June 2010 requesting an internal review of the handling of your request for information on the Grant Funded Services (GFS) Collection under the Freedom of Information Act; this has now taken place.

You asked the NHS Information Centre for Health and Social Care (NHS IC) to:

“consider the following factors in favour of disclosure. Some of these are mentioned in the ICO's guidance on applying section 43.

- 1) Disclosure would increase transparency of the way public money is spent and its effectiveness.*
- 2) The amount of taxpayers' money in question is significant - millions of pounds.*
- 3) Disclosure would facilitate engagement by the public in the debate over social care spending and participation in decision-making.*
- 4) The Health and Social Care Information Centre obtain the information using statutory powers, so there is no risk of disclosure discouraging voluntary organisations from participating in information-gathering exercises in the future.*
- 5) Disclosure of the information would improve information about the social care market and could lead to improved bids being submitted in future.*
- 6) The information requested relates to contracts which have been agreed, not those for which the tendering process is ongoing.*

The reply to my request indicates that section 44 may also apply. I assume this refers to the interaction with the Data Protection Act. I am willing to accept a response which omits reference to schemes that have fewer than 5 users. This could be calculated using columns I-L.”

I can confirm that both a Prejudice Test and Public Interest Test were undertaken in line with ICO guidance prior to the response to you of 7 June 2010.

As you have amended your request to exclude small numbers i.e. those schemes with less than 5 clients, the need to invoke s44 as an exemption is no longer relevant.

In response to the specific points outlined in your email, I accept and agree with the factors outlined in points 1 – 3, 5 & 6 in relation to public spending, and information on the amounts of funding provided by Councils with Adult Social Services Responsibilities (CASSRs) to independent service providers has been provided.

In response to point 4 the NHS IC does not collect the data using any statutory powers. This data collection is now three years old and started as a pilot. It is not an Official Statistic however last year the data contributed to National Indicator 136 but formed only a small part of this Indicator.

The GFS return collects information on the number of people who are helped to live more independently in their own homes as a result of person-centred services provided by voluntary and other organisations in the independent sector (including district and borough councils in two tier authorities) via grants from CASSRs. The information collected is a snapshot of activity in the individual schemes during one week of the year and as such, does not reflect the numbers of adults using each scheme or the cost per adult of a particular scheme.

Please note that as this is still a fairly new collection there is some variation in how data is reported by councils. Due to the multi-level nature of this return, i.e. information is requested from councils who subsequently request information from external organisations; there can be double counting issues.

Changes have been made to the data required each year which makes comparisons difficult.

Please be aware that there are data quality issues with this data as not all eligible schemes have contributed data and in these situations CASSRs either submit a nil return or estimate figures on behalf of the scheme provider, based on previous returns.

A copy of the information which falls within the terms of your revised request is enclosed apart from information on what proportion of an independent provider's budget is provided by CASSR funding. This information is being withheld under section 43(2) Commercial Interests due to the potential impact on an organisation's financial and business viability.

Release of this data is likely to prejudice the commercial interests of these organisations as knowing what proportion of an organisation's budget is made up of CASSR funding would give information to competitors about their vulnerability should they lose any particular funding stream or contract. It may also damage an organisation's commercial position and their ability to tender for other contracts if they are seen as being in a financially vulnerable position.

Having reviewed the documentation for this case, spoken to individuals involved in the original response and reviewed a sample of the relevant material I am satisfied that the balance of public interest lies in withholding this information for the reasons set out above.

Please note the copyright to the information we are disclosing is held by the Health and Social Care Information Centre (NHS IC). Should you wish you may redistribute or create derivative works based on this information without the prior written permission of the NHS IC. You are not required to obtain a license for your personal research and/or informational purposes.

Please ensure that the following copyright statement is included within your documents, along with our Citation Logo available via www.ic.nhs.uk/data-protection/re-use-of-data-and-citation

“Copyright © 2010, Re-used with permission of The Health and Social Care Information Centre. All rights reserved.”

If you have any queries regarding this, please email xxxxxxxx@xx.xxx.uk

I hope that you will find this explanation helpful. If you remain dissatisfied with our response to your request and wish to take the matter further, you should contact the Information Commissioner at the following address:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

I will assume that your request to the organisation is now closed.

Yours sincerely,

Clare Sanderson
Director of Information Governance