

21/03/2013

DE00000763845

Dear Ms Series,

Thank you for your request of 27 February 2013 under the Freedom of Information Act (2000). Your exact request was:

"I read with pleasure the most recent report on the IMCA service (2011-12, published February 2013). It contained much interesting food for thought, and important reminders for IMCAs, commissioners and decision makers. The inclusion of comments from the database is a really welcome addition, as was the discussion of the significance of the case CC v KK.

I am sorry to trouble you, but I wondered if it might be possible to request the raw data for Table 26 of the report (page 31, 'Who 39D IMCAs were requested to support'). Also, in previous years the DH has reported the number of times an IMCA referral has led to a formal complaint or application to the Court of Protection - this data was very useful for determining how often IMCAs challenge decision makers, or assist others to do so. Would you be so kind as to send me that data for 2011-12?"

I can confirm that the Department of Health holds information relevant to your request. This information is presented in the tables below.

Part 1 - Who 39D IMCAs were requested to support at Local Authority level
(From 1st April 2011 to 31st March 2012)

	S39 D Support to relevant person	S39 D Support to relevant person and their representative	S39 D Support to relevant person's representative	Total
BARKING & DAGENHAM	..	2	..	3
BARNET	..		4	..
BARNSELEY		..	..	2
BATH & NORTH EAST SOMERSET UA	3	1	1	5
BEDFORD BOROUGH	2		2	4
BEXLEY		..	..	1
BIRMINGHAM	..	..	2	3
BLACKBURN WITH DARWEN UA	1	3	8	12
BLACKPOOL UA	..		..	1
BOLTON	1	11	2	14
BOURNEMOUTH UA	1	1	9	11
BRACKNELL FOREST UA	..		..	2
BRADFORD	1	..	..	2

BRENT		2	2	4
BRIDGEND UA		..	..	2
BRISTOL UA	2	44	6	52
BURY		..	..	1
CAERPHILLY UA	..	..		1
CALDERDALE	1	..	..	2
CAMBRIDGESHIRE	2	11	4	17
CARDIFF UA	1	1	3	5
CARMARTHENSHIRE UA	1	..	..	2
CENTRAL BEDFORDSHIRE	..	..	1	2
CHESHIRE	..	..		1
CORNWALL	17	9	6	32
COVENTRY		..	..	1
CROYDON		..	..	1
CUMBRIA	1	1	8	10
DARLINGTON UA		..	..	2
DERBY UA		..	..	1
DERBYSHIRE		4	6	10
DEVON	1	1	1	3
DONCASTER	..		..	1
DORSET	11	2	15	28
DUDLEY	9	1	8	18
DURHAM	..	..	2	3
EALING	3	1	1	5
EAST SUSSEX	3	14	2	19
ENFIELD	..	..	1	2
ESSEX	14	25	14	53
GATESHEAD	3	1	12	16
GLOUCESTERSHIRE	5		22	27
GREENWICH		..	..	3
HALTON UA		..	..	1
HAMMERSMITH & FULHAM	..	..		1
HAMPSHIRE	1	6	11	18
HARINGEY		..	..	2
HAVERING	..	..		2
HEREFORDSHIRE UA	1	..	..	2
HERTFORDSHIRE	2	3	19	24
HILLINGDON	..	..		1
HOUNSLOW		..	..	3
KENSINGTON & CHELSEA	..	6	..	7
KENT		..	..	6
KIRKLEES		..	..	3
KNOWSLEY	..	..		1
LAMBETH	1	..	..	2
LANCASHIRE	7	17	19	43
LEEDS	..	..		2
LEICESTERSHIRE	2	2	5	9
LINCOLNSHIRE		..	..	4
LIVERPOOL	4	10	4	18
LUTON UA	..	..	11	12

MANCHESTER	3	3	3	9
MIDDLESBROUGH UA	..	2	..	3
MONMOUTHSHIRE UA		..	..	1
NEATH PORT TALBOT UA		1	..	..
NEWHAM		..	..	1
NORFOLK		..	..	2
NORTH EAST LINCOLNSHIRE UA	..		..	1
NORTH LINCOLNSHIRE UA	1	1	1	3
NORTH SOMERSET UA	12	5		17
NORTH TYNESIDE	..		..	1
NORTHAMPTONSHIRE	..	..		2
NORTHUMBERLAND	..	..		1
NOTTINGHAMSHIRE	1	1	3	5
OLDHAM		..	..	1
OXFORDSHIRE	3	23	52	78
PEMBROKESHIRE UA	..	..		2
PETERBOROUGH UA	1	6	1	8
PLYMOUTH UA	2	1	2	5
POOLE UA	..	..	1	2
PORTSMOUTH UA	..	..		1
READING UA		..	..	1
REDBRIDGE	..	..		1
RHONDDA, CYNON, TAFF UA	..	2	..	3
SALFORD	..	..		1
SANDWELL	..	..	3	4
SEFTON	4	2		6
SHROPSHIRE	..	..		1
SOMERSET	..	..	23	24
SOUTH GLOUCESTERSHIRE UA	3	4	24	31
SOUTH TYNESIDE		..	..	11
SOUTHAMPTON UA		6	2	8
SOUTHWARK	..	1	..	2
ST HELENS	..		..	1
STAFFORDSHIRE	..	..	6	7
STOCKPORT		..	..	1
STOCKTON ON TEES UA		..	..	1
STOKE-ON-TRENT UA	..	..		1
SUFFOLK	3		2	5
SUNDERLAND		3	14	17
SURREY	..	..	4	5
SWANSEA UA	..		..	1
SWINDON UA	..	8	..	9
TAMESIDE	..		..	4
TELFORD & WREKIN UA		..	..	2
THURROCK UA		..	..	1
TORBAY UA	..	..	1	2
TORFAEN UA		..	..	1
TOWER HAMLETS	..	1	..	2
TRAFFORD	..	..		1
VALE OF GLAMORGAN UA	..	..	2	3

WAKEFIELD	4	1	5	10
WALSALL	..		..	1
WANDSWORTH	1	1	1	3
WARRINGTON UA	2	1	6	9
WARWICKSHIRE	1	8	6	15
WEST BERKSHIRE UA	..	..		2
WEST SUSSEX	2	4	3	9
WESTMINSTER	..	..	1	2
WIGAN	7	5	3	15
WILTSHIRE		3	2	5
WINDSOR & MAIDENHEAD UA		..	..	2
WOLVERHAMPTON	..	2	..	3
WORCESTERSHIRE	4	3	10	17
YORK UA	..		..	2
Total	181	315	449	945

Please note that where a number of individuals is less than or equal to five, we are unable to disclose the exact number of cases under section 40(2) of the FOI Act, which relates to personal information of third parties.

We consider that the disclosure of this information could breach an individual's confidentiality, as there is a risk that individuals may be identified if this data is put together with other information that is, or may become, available on that individual. We believe that this could cause unnecessary or unjustified distress or damage to the individual in question, and would therefore contravene the principles of 'fairness' as defined by the Data Protection Act.

Part 2: Formal actions taken by IMCA

The table below shows the figures on formal actions taken by IMCAs for the past three years:

Formal actions taken by IMCA	2011/12	2010/11	2009/10
LA complaints procedures	25	19	15
NHS complaints procedures	20	6	6
Legal action	9	6	8

The figures for 2010/11 have been updated from those published in the report last year. This is due to the nature of the IMCA database where local authorities can continue to update their records at any point throughout the year.

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within

two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room 317
Richmond House
79 Whitehall,
London
SW1A 2NS

Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

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

Yours sincerely,

Jamie Scott

Freedom of Information Officer
Department of Health

freedomofinformation@dh.gsi.gov.uk