

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 1718 0762

Date of Response: 20 February 2018

Information Requested:

“I'd like to know the amount of complaints that CAMHS has received over the past year, and even further back if possible, preferably laid out as a yearly total.”

The Information Access team has now coordinated a response to your request.

CQC has considered your request in accordance with the Freedom of Information Act 2000 (FOIA). Our main obligation under the legislation is to confirm whether we do or do not hold the requested information.

In accordance with section 1(1) of FOIA we are able to confirm that CQC may hold some recorded information in relation to this matter. However we consider this information to be exempt from disclosure because to the time it would take to locate and extract this information would exceed the cost limit set out in the Act.

This is because we do not have any way of centrally reporting on CAMHS services and we would have to conduct extensive manual searches of individual providers to identify whether they offered CAMHS services and whether we hold any complaints information relating to those services.

We have explained this exemption in more detail in the 'Freedom of Information and Exemptions on disclosure' section below. We have also provided some information on how to refine your request in the 'Advice and assistance' section below, as well as some statistics that may be of help to you.

Freedom of Information and exemption on disclosure

The purpose of FOIA is to ensure transparency and accountability in the public sector. It seeks to achieve this by providing anyone, anywhere in the world, with the right to access recorded information held by, or on behalf of, a public authority.

Public authorities spend money collected from taxpayers, and make decisions that can significantly affect many people's lives. Access to information helps the

public make public authorities accountable for their actions and allows public debate to be better informed and more productive.

The main principle behind FOIA is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

A disclosure under FOIA is described as “applicant blind” meaning that it is a disclosure into the public domain, not to any one individual.

FOIA also recognises that there may be valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test.

Exemptions exist to protect information that should not be disclosed into the public domain, for example because disclosing the information would be harmful to another person or it would be against the public interest.

A public authority must not disclose information in breach of any other law.

When a public authority, such as CQC, refuses to provide information, it must, in accordance with section 17 of FOIA, issue a refusal notice explaining why it is unable to provide the information.

Section 12 Requests where the cost of compliance exceeds the appropriate limit set out in the Act

We consider that the information requested is currently exempt under section 12 of the FOIA. Section 12 of FOIA applies where the cost to CQC of complying with any individual request would exceed £450. In such cases, CQC is allowed to refuse to comply with the request for information.

Section 12 states:

“(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”

As a public authority we wish to be transparent and open about our work, but we have a statutory responsibility to use our resources effectively.

Section 2(3) of schedule 1 of the Health and Social Care Act 2008 states that “It is the duty of the Commission to carry out its functions effectively, efficiently and economically.”

A public authority, such as CQC, is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In calculating whether this appropriate limit is exceeded, regulation 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requires that the time taken in responding to requests (locating, retrieving and extracting the information) must be calculated at a rate of £25 per person per hour.

The cost exemption of FOIA is engaged because we are unable to conduct searches specifically for CAMHS services as we do not record that as a registration category. CAMHS services would fall within the service user band 'Mental Health and Children 0-18 years'. We currently have 1600 active locations registered with that service user band. We can also advise you that in our customer data base we have over 2500 complaint enquiries logged against these services, in 2017 and 2018 (so far).

In order to identify CAMHS services and complaints relating to them we would have to conduct manual searches on these 1,600 active locations. Once we had identified the CAMHS services we would then have to manually search the complaint enquiries logged against each provider in order to identify how many complaints there were as the logged complaints will contain instances of multiple enquires relating to the same complaint as well as follow up information. These searches would far exceed the cost limit set out in the Act.

Given the scope of your request we estimate it will take longer than 18 hours and cost more than £450 to perform an interrogation of all of the records held to gather the requested information and formulate a response to your request.

In fact, to conduct such an exercise would far exceed the appropriate limit; currently £450 or 18 hours, as defined under regulation 3(3) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

CQC does not consider conducting such a search of our records to be an effective and efficient use of our limited resources.

In accordance with section 12 of FOIA, CQC chooses not to conduct such an exercise because of the high cost involved.

This response acts as a refusal notice in accordance with FOIA.

Use of this exemption does not require a public interest test.

In making the decision we have referred to guidance published on the Information Commissioner's Office (ICO) website:

www.ico.gov.uk/for_organisations/freedom_of_information/guide.aspx

Advice and assistance

Under section 16 of the Freedom of Information Act 2000 (and in accordance with the section 45 code of practice) we have a duty to provide you with reasonable advice and assistance.

If you wished to make a more focused request for one specific CAMHS service over a period of time, we could reconsider your request for information.

We can also advise you that we have 2551 complaints enquiries logged against the 1,600 active locations with the service user bands of 'Mental Health and Children 0-18 years', covering 2017 and 2018.

CQC Complaints and Internal Review procedure

If you are not satisfied with our handling of your request, then you may request an internal review.

Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review.

Please be aware that the review process will focus upon our handling of your request and whether CQC have complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of the CQC's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint:

www.cqc.org.uk/contact-us

To request a review please contact:

Information Access
Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

E-mail: information.access@cqc.org.uk

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the internal appeals process has been exhausted.

The contact details are:

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

Telephone Helpline: 01625 545 745
Website: www.ico.org.uk