

KG/DR/602

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FOI Review – Consultation
FOI Unit
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Dear Jane

**ONE YEAR ON – A CONSULTATION ON THE FREEDOM OF INFORMATION
(SCOTLAND) ACT 2002**

Community Care Providers Scotland (CCPS) is the association of voluntary sector organisations providing social care and support services in Scotland. CCPS members managed a total annual income in 2004-05 of over £875M, of which about 73% relates to publicly funded services. CCPS members therefore take a keen interest in topic 1 of the consultation, in particular the possible use of section 5 of the FOI(S)A. CCPS' response touches on questions 3-5 of the consultation document.

CCPS supports the view given in Annex A to the consultation paper that “it is not possible, or indeed desirable, to designate all service providers as public authorities.” It is our view that information relating to the public service functions of voluntary organisations is already accessible to the public under FOI, since local authority approved provider and contract compliance processes mean that all the relevant information is already held by those authorities. This makes any separate designation of voluntary sector providers as public authorities unnecessary.

In fact, it is sometimes the case that local authorities hold more detailed information about the services provided by voluntary organisations than they are able to provide about the services that they provide directly. An example has come to CCPS' attention of a local authority which was asked under FOI for details of the hourly rates charged by all providers in its area for care at home services; it provided the information for all voluntary and private sector providers, but not for its own directly-provided services.

The most important of the criteria for designation suggested in Annex A is therefore the last one: “Does the contract with the Scottish public authority provide sufficient scope for the publication of information relating to the services carried out which would meet the policy aims of FOI(S)A?”

CCPS understands that there is likely to be further consultation before any other bodies are brought within the coverage of the Act, and looks forward to the opportunity to contribute to this process as appropriate. In relation to potential designation of voluntary organisations, however, we would like to flag up at this early stage the resource implications of this; many

voluntary organisations would struggle to find the additional monies necessary to introduce the electronic search systems which would be necessary to respond fully to FOI requests. Should voluntary organisations of any sort be designated in future, careful consideration must be given to the funding of this, otherwise it may result in the closure of some, particularly smaller, organisations.

Should you have any questions on this response, or require further information, please don't hesitate to contact me.

Yours sincerely

KIRSTEN GOODAY
Policy and Development Officer