

Decision Notice



Decision 052/2013 Learning Disability Alliance Scotland and Aberdeen City Council

Self-Directed Assessment

Reference No: 201201741
Decision Date: 26 March 2013

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Rosemary Agnew
Scottish Information Commissioner

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Summary

On 20 June 2012, Learning Disability Alliance Scotland (LDAS) asked Aberdeen City Council (the Council) for information relating to the personalisation of social care support for individuals. The Council initially responded by providing some of the information requested, but also advising that other information was exempt from release. Following a review, the Council provided further information, but informed LDAS that it did not hold some of the information sought. Following an investigation, and after being provided with evidence of searches and further explanations by the Council, the Commissioner accepted that no further information was held.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (4) (General entitlement); 17(1) (Notice that information is not held)

The full text of each of the statutory provisions cited above is reproduced in the Appendix to this decision. The Appendix forms part of this decision.

Background

1. On 20 June 2012, LDAS wrote to the Council requesting the following information:
 - a. A copy of the latest version of the Self Directed Assessment Questionnaire (SDAQ)
 - b. The Scoring sheet that accompanies the SDAQ
 - c. Any documentation that shows how points awarded in the scoring of the SDAQ are translated into positions on the Resource Allocation Framework
 - d. A copy of the Resource Allocation Framework spreadsheet showing the level of funding awarded to each point or percentage
 - e. Any documentation relating to why the different levels of the Resource Allocation Framework were set at that level.
2. The Council responded on 1 August 2012. It apologised for the delay in responding. The Council provided LDAS with a copy of the SDAQ (point a.), but in response to the other points in the request refused to supply information on the basis that section 30(c) of FOISA applied.



3. On 2 August 2012, LDAS wrote to the Council requesting a review of its decision. LDAS did not accept the Council's application of section 30(c) of FOISA, suggesting that it had been applied in a blanket fashion. LDAS also raised concerns about the way in which the Council applied the public interest test.
4. The Council notified LDAS of the outcome of its review on 30 August 2012. It provided LDAS with copies of the scoring sheet (point b.) and the Resource Allocation Framework (point d.). In relation to points c. and e., the Council notified LDAS that the information was not held.
5. On 11 September 2012, LDAS wrote to the Commissioner's office, stating that it was dissatisfied with the outcome of the Council's review and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. LDAS was specifically dissatisfied with the Council's responses to points c., d. and e. (it believed the response to point d. to be incomplete).
6. The application was validated by establishing that LDAS made a request for information to a Scottish public authority and applied to the Commissioner for a decision only after asking the authority to review its response to that request. The case was then allocated to an investigating officer.

Investigation

7. On 21 September 2012, the Council was notified in writing that an application had been received from LDAS and was asked to provide the Commissioner with any information withheld from LDAS. The Council confirmed in its response that it was not seeking to withhold any information from LDAS.
8. The investigating officer also provided the Council with an opportunity to provide comments on the application (as required by section 49(3)(a) of FOISA) and asked it to respond to specific questions.
9. The relevant submissions received from both the Council and LDAS will be considered fully in the Commissioner's analysis and findings below.

Commissioner's analysis and findings

10. In coming to a decision on this matter, the Commissioner has considered all of the submissions made to her by both LDAS and the Council and is satisfied that no matter of relevance has been overlooked.



11. LDAS was dissatisfied with the Council's responses to points c., d. and e. In its application, LDAS stated that points c. and e. related to *any* further information held by the Council on how it arrived at the answers to points b. and d. (so there must be relevant information held). LDAS submitted that its requests was not just for finished reports, but also covered internal documentation, staff training materials and emails.
12. With regards to request d., LDAS stated that the Council had not provided it with a Resource Allocation Framework which showed the level of funding awarded to each point or percentage, but was actually part of the documentation which should have been sent in response to request e.
13. To support its contention that the Council did hold further information, LDAS highlighted that the information requested related to the ongoing assessment of over 650 people with learning disabilities, with a view to altering the way they organised their social care support. LDAS did not believe this could have been done on the basis of the information it had been supplied with.

Background to request

14. Within its submissions to the Commissioner, the Council provided some background information and context to the request. The Council explained that, in line with the Scottish Government's 10-year strategy on Self-Directed Support, it had been considering how it could operate a more personalised system for the individuals it supports.
15. The Council went on to explain that, in 2011, it appointed a Resource Allocation System (RAS) co-ordinator to consider efficient and effective ways of allocating budgets and implementing Self-Directed Support (SDS). In March/April 2012, it held engagement events with providers of services and individual service users. In addition, in April 2012, the Council asked its Care Management staff in Learning Disabilities to assist with a desktop exercise, the purpose of which was to provide information on the effectiveness of the SDAQ and to test how it could use this information to create budget amounts for individuals.
16. The Council explained that the desktop exercise and the related inputting of data took until the end of June 2012 to complete, following which it started to test different formulae for the allocation of resources. In addition, the Council asked service providers to complete questionnaires for individuals they supported. Throughout July, August and September, this data was collated and from this the Council identified a need for further data, in terms of assessments to be completed. The Council submitted that this demonstrated it was still in the middle of a process, at the time of this request (June 2012) and indeed later.
17. The Council stated that, at the time of its submissions to the Commissioner, it had not published any of its own information on SDS/personalisation.



Point d.

18. In response to LDAS's comments on the information supplied in respect of this point, the Council explained that the spreadsheet related to a desktop exercise, which at the time was in a state of partial completion. The spreadsheet was not known as a "Resource Allocation Framework spreadsheet", but rather was a desktop exercise, based on the Control model of Resource Allocation. The Council explained that it did not hold a "Resource Allocation Framework spreadsheet" by that name, but it thought the document supplied contained the information sought under this point. The Council stated it held no further information, in addition to that supplied, which would address the point.

Points c. and e.

19. With respect to requests c. and e., LDAS did not accept that the Council held no information falling within the scope of these requests.
20. In response to this concern, the Council explained that this was a project which was still ongoing and evolving over time. To create the information requested, analysis and evaluation of this work would be required. As the work was still ongoing, the analysis and evaluation had not been carried out and so there was no relevant recorded information.
21. When queried about the searches undertaken, the Council advised that, as this was a current project, any information on SDAQ was kept solely by one Council officer. Therefore, one filing drawer and one pedestal cabinet was searched. In addition, personal and shared computer drives were searched using the key terms "SDAQ", "RAS" and "budgets". The Council informed the investigating officer that no information was identified in the search, in addition to that already supplied.
22. The Council submitted that there was no additional information available in relation to these requests. It believed this was due to the timing of the request in relation to the stage of the project. At the time of the original request, the Council was beginning to test the assessment tool (SDAQ) and inputting the resulting data (to the RAS spreadsheet); this data had been provided to LDAS.
23. During the investigation, the investigating officer requested that the Council provide further evidence of the searches undertaken. In response the Council provided evidence (screen shots) of its electronic searches, using the following key terms:
- a. RAS
 - b. SDAQ
 - c. Personalisation
 - d. Budgets
 - e. Framework.



24. In addition to these search returns, the Council emphasised that (at the time of the request) the only documentation in existence relating to the request consisted of the SDAQ, the points scoring per question, and the desktop exercise involving input of scores for about 100 people. The Council confirmed that this information had all been provided to LDAS.
25. The Council emphasised that there was no documentation to show where the points were translated into the framework, as this was the purpose of the desktop exercise. The Council explained that, only once completed with a statistically significant amount of data, could the exercise provide a price per point, which could then be applied to all persons completing the questionnaire (creating a budget amount per week or per year). This work had not been completed.
26. The Council further explained that, part-way through this process, it reconsidered what was a statistically significant amount of data and began to collect further data. At the time of the request, this further collection had not yet occurred.
27. Due to the collection of further data, the Council submitted, it had not set any levels in the framework other than the points per answer. The Council stated that there was no documentation related to this, as it was done by one Council officer using their knowledge and experience of the Social Care field. They had not been requested to share this information or to produce further documentation, other than the points themselves.
28. In terms of section 1(4) of FOISA, the information to be provided in response to a request made under section 1(1) is (subject to limited provisions which are not relevant here) that held at the time the request is received.
29. The Commissioner has considered the evidence of the searches and the further explanations provided by the Council and is satisfied that the searches would, on the balance of probabilities, have identified any recorded information falling within the scope of these requests. The Commissioner is also satisfied, from the explanations given by the Council in response to the investigating officer's questions, that no further information was held by the Council when the request was received.
30. The Commissioner is therefore satisfied that the Council does not (and did not at the time of receiving LDAS's request) hold any further recorded information which would fall within the scope of the relevant points of the request.

DECISION

The Commissioner finds that the Council complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by Learning Disability Alliance Scotland.



Appeal

Should either Learning Disability Alliance Scotland or Aberdeen City Council wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Margaret Keyse
Head of Enforcement
26 March 2013



Appendix

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002

1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.
- ...
- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.

...

17 Notice that information is not held

- (1) Where-
- (a) a Scottish public authority receives a request which would require it either-
- (i) to comply with section 1(1); or
 - (ii) to determine any question arising by virtue of paragraph (a) or (b) of section 2(1),

if it held the information to which the request relates; but

- (b) the authority does not hold that information,

it must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant notice in writing that it does not hold it.

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