Quality and Outcomes Framework (QOF) and the Freedom of Information Act (FOI)

Frequently Asked Questions (FAQs)

PLEASE NOTE - LHBs are health care organisations in their own right and therefore they have to make the final decision when receiving requests for information under FOI. It would appear that if a LHB holds the information, they have to release it to the requester, unless it is covered by an exemption.

The current working assumption is that most QOF information – e.g. QOF annual review visit reports, LHB or contractor protocols, internal LHB paperwork on the process – will be covered under FOI and therefore have to be released on request.

This position may change in light of decisions made by the information commissioner as FOI is new and case law will evolve.

It is likely that some advice for LHBs and practices may be produced in the near future. LHBs and practices can also refer to the detailed guidance on how to implement FOI, published by the Department of Constitutional Affairs. This is available on their website at www.dca.gov.uk/foi.

FAQs

Q Will QOF annual visit reports have to be released under FOI?

A Yes, we believe the information contained in them will need to be released if requested. This means it is important QOF assessors only make comments that are supported by evidence. Guidance issued on Annual Review Visits in July requests LHBs to produce a summary report of visits for the Regional Office and Welsh Assembly. LHBs may want to consider expanding the content of this report to meet any interest in the results of visits.

Q What level of detail will a LHB [or contractor] have to release on QOF if information is requested?

A The LHB [or contractor] will have to release all the information that is asked for, unless it is covered by one of the FOI exemptions. If it is unclear exactly what information is requested, it is the LHBs [or contractor’s] duty to provide "advice
and assistance” to the applicant to find out the specifics – i.e. they should contact the applicant to clarify details. It should be noted that the LHB [or contractor] only needs to release information requested, and not documents (some of which may include other content).

**Q** If we aim to publish a certain level of data annually (e.g. anonymised per practice), can we refer requests to this rather than respond to individual requests?

A If the request matches the information already published, then the LHB can just refer the applicant to the material already published or about to be published. However if the applicant requests more detailed information, or different information (e.g. QOF achievement for a specific, named practice), then the LHB will have to respond to this individual request and release the information unless it is covered by an exemption.

**Q** Our LHB has audit reports that it has not given to practices, would it need to release these?

A If requested, then yes it does need to be released, unless the LHB believes it is covered by an exemption.

**Q** Would the LHB/contractor need to release the evidence provided before the visit.

A If requested, then yes it would have to be released unless covered by an exemption. If you look at the model publication scheme for GP practice, the Information Commissioner recommends that many of the protocols/policies that form the evidence for the organisational domain should be published anyway.

**Q** Would we have to give out the exact details of the achievement payment to each practice if requested.

A Again, we believe the answer to be yes, if requested. Unless covered by an exemption.